

EXHIBIT # 33



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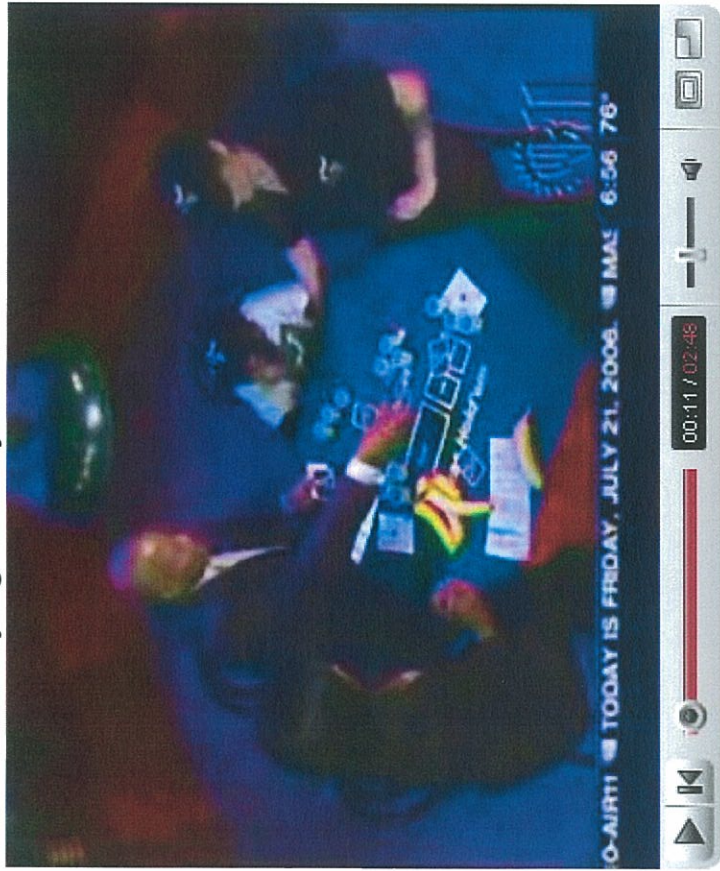


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The Poker Playing Monkey



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Director Videos



Episode 34:
[Somotillo, Nicaragua](#)
03:34
From: [halfhrottile](#)



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From: [mastergunner99](#)



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From: [ZackScott](#)

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reinacutegirl (1 day ago)

Online dating at its best WEBFLINGTODAY dot COM

(Reply)

JrYvEr\$ (1 month ago)

Looooooooooooo

(Reply)

OneBigRetard (1 month ago)

Er... He is great at poker!

(Reply)

Wellovathetoon (1 month ago)

Dumb ass monkey is a donk!

(Reply)

nonukatall (2 months ago)

yo
come and see wot 2 furious and raged apes can do (on nonukatall, clip ape singe
des rues)

(Reply)

niceben (2 months ago)

hey found this awesome site giving you the chance to get free money without a
deposit (150\$!!!)

no-deposit-poker-money(dot)de(dot)it

(Reply)

Rhysd007 (3 months ago)

mike matasouw taught this monkey poker etiquette

(Reply)

SQTVsTECHN0 (3 months ago)

the monkey is retarded lololol

The Real Hustle - The
Poker Scam
08:58
From: kamranakhtar
Views: 360992



How to Shuffle Poker
Chips Like a Poker Pro
03:17
From: WFFproductions
Views: 460029



High Stakes Poker
07:27
From: Miki333
Views: 997160



Poker
02:13
From: kikoooooo
Views: 643143



2006 World Series of
Poker - Final Table & Final
Hand
05:45
Showing 1-20 of about 110,000
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Craig
Ferguson's Walk
On The Moon
03:46
From: CBS

[\(Reply\)](#)

BigBumZ (3 months ago)

i cant tell if the monkey is bluffing or not.

[\(Reply\)](#)

SamMaN1990 (4 months ago)

hahahahaha

[\(Reply\)](#)

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EXHIBIT # 34



Welcome to the **The Opie and Anthony Experience** forums.

You are currently viewing our boards as a guest which gives you limited access to view most discussions and access our other features. *By joining our free community you will have access to post topics, communicate privately with other members (PM), respond to polls, upload content and access many other special features, including 3 OR&A post forums.*

Also, check out The Guest House. All Guests can post there without registering, just to test the waters if you like! POST WHAT YOU THINK ABOUT THE CURRENT SITUATION WITH RADIO WITHOUT EVEN REGISTERING!!! Registration is fast, simple and absolutely free so please, join our community today!

The Opie and Anthony Experience > XM Channel 202 > Opie and Anthony > Opie and Anthony Show Daily Rundowns

4.17.07 SHOW RECAP: Virgina Tech Shootings; Mikey the Chimp in Studio

The Opie and Anthony Experience continues

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Opie and Anthony Show Daily Rundowns Daily rundowns and highlights from the Opie and Anthony show.

Latest

Downloads



post reply

Deb vs Wasp
Submitted By: indymike
On: Yesterday
Comments: 0
Views: 47

☐ 04-17-2007, 04:26 PM

struff


4.17.07 SHOW RECAP: Virgina Tech Shootings; Mikey the Chimp in Studio

#1

Thread Tools Display Modes

Video of Sam talking about the softball game on the Than & Sam show Submitted By: struff On: 08-06-2007 Comments: 0 Views: 51
Opie visiting the FBA Party RV at the Traveling Virus Mansfield Show Submitted By: struff On: 08-05-2007 Comments: 0 Views: 56
Destanie Rubbing Butts with Jimmy Norton In Philly 7/11/07 Submitted By: falconsquy On: 07-11-2007 Comments: 3 Views: 803
Than & Sam talk about FBA members Submitted By: struff On: 06-25-2007 Comments: 1 Views: 850

More...

Random Store 
Item

ThanandSamFanClub.com



Join Date: Mar 2006
Location: near Boston
Posts: 10,166
Rep Power: 342



They talk about shootings at Virginia Tech yesterday.

President Bush was like a robot when reading a statement about the shootings, did not seem heartfelt or sincere to them. President Reagan was a great speaker and was comforting in times of trouble.



President Bush speaking yesterday.



thinks they're using this as a chance to speak badly about Bush.



thinks it's just the way Bush speaks, all his speeches sound the same.

- Break -



goes to VA Tech, talks about email alerts students received yesterday and what he heard and saw happen.

They talk about the media's handling of the news story.



it's hard to put a whole campus on lockdown.



the good thing is this will take the focus off of Imus, if this happened last week Imus would still have a job.

They talk about guns and gun control.



talks about getting guns and permits in NY.



talks about a news reporter at a Seton Hall fire.



The NYC TV stations are doing lots fluff pieces today when they should be covering the real news.

- Break from 6:56-7:05 -



lives about 30 miles away from VA Tech.

Opie reads a couple of IFs (including an uncredited IF sent by Struff from FBA).



the President speaking about the shootings.



President Reagan speaking about the shuttle Challenger explosion.



student at Tech.



sports radio announced that no football or basketball players were hurt in the shootings.

- Break from 7:25-7:34 -



several fluff pieces on the TV news in NYC this morning including a story about a space station astronaut running a marathon in space, people who took a taxi to Arizona so they wouldn't have to ship their cat, a polar bear in Germany.

They talk about Mikey the Chimp.



comments on a news story they just played.



defends the news and fluff pieces.



The Important



news story showing a gun being fired at a shooting range, the reporter prefaced it with a warning saying it is graphic.



a couple of callers comment on the news in general and about the VA Tech story.

- Break from 8:02-8:12 -



comments about video games.



comments about hearing Bud Light commercials in the morning.

They talk about the Sexiest State callers yesterday.



the Sexiest State girl from yesterday. She feels badly because when she got home to her boyfriend he gave her flowers. They want her to call back and do it again some time and take it to the next level.

They talk about the picture on the front page of today's NY Daily News, it shows one of the VA shooting victims', looks like his junk his hanging out, other versions of the pic pixelated it out.



says the girl is a slut, asks for her phone number.



worried now when his wife wants to go out with her friends.

Jimmy says his girl wants to go to Rome with a friend.



FoundryMusic Josh, knows the guy on the front page, talks

Shit



OpieandAnthony.com
FoundryMusic.com
RonFez.net
MafiaLife.com

FBA/OA/RF SHOP

Shirts & sweatshirts avail in 8 colors, over 40 styles, and sizes up to 6xl, as well as tons of other gear!!

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*NSFW
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City Style Girls

*NSFW
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PALTALK'S EXTREME PACKAGE

Check out all the drama, sex, East Side Dave drunken singing, as well as live studio video & audio feed

about him and about VA Tech.



sees the pic in his local paper.



starts to talk about the Islanders losing in hockey playoffs, Opie hangs up on her before she can finish.

- Break from 8:35-8:44 -



news story about Richard Gere kissing a girl in India.



a NYC TV station fluff piece about belly dancing.



talks about Hillary going to see the Rutgers girls now after the shootings.



says Jimmy should not let his girl go to Rome, that would be like him going to Brazil.



wants to call out Opie for something he said, they play audio of Opie in the bathroom yesterday.

- Break at 8:56 -



In XM Studios at 9:25



VA Tech press conference live.



if he wanted to listen to this he would tune to Fox News or CNN or any other news channel.

Support the FBA
AdamEve Shop! They
pulled advertising from
XM to support the
boys!!
The FBA ADAMEVE
ADULT SHOP

Latest Poll

**How much does
Mohegan Sun want
Anthony to lose**
Poll Is Closed

They want Anthony to lose his millions	32	30%
Lose just enough to get their money back	11	10%
No,They like his winning for the free advertising	23	22%
Pee in my Butt	39	37%

Voters: 105 100%

Comments (42)
More Polls

How To Listen

Check out Opie & Anthony
and Ron & Fez on XM
Satellite Radio Channel

They talk to the only guy in the studio audience today, he lives in Brazil.

- Break from 9:51-10:00 -

Mikey the Chimp is waiting to join them in studio. During the break he had to shake everyone's hand. He took a band-aid off Opie to examine and a boo-boo and make sure Opie was ok. Mikey saw Steve had a boo-boo so he put Opie's band-aid on Steve. Mikey goes into the studio and they talk to Mikey's handler. Mikey is giving water to Jimmy and hugging him. They give Mikey poker chips to play with and they talk with his handler about communicating with him, he understands the handler about 90-something % of the time and he can also understand some hand signals. They give him a camera to play with, he doesn't seem to like it. The handler says Mikey has the strength of three men and can grow to 5'10" 200 pounds. The handler talks about Mikey playing poker and the company that was supposed to sponsor him but did not make payments they promised, Animal Rights people didn't like him being used in poker. They talk about movies and TV shows Mikey likes and then tickle him. He climbs up Than and then opens the door to leave and blows kisses on the way out. More information about Mikey and donations for his care are at mikeythechimp.org.


- Break from 10:47-10:57 -

Mikey loved Jimmy, Mikey kept hugging and kissing him. Travis was scared of Mikey.

Line of the Day

- Runner-up: Jimmy.
- Winner: Ant saying Mikey should show Erock how to take care of his teeth.

Show ends at 11:02.



202.

For a free three day trial go to www.xmradio.com and visit www.opieandanthony.com

Opie and Anthony, can be heard weekday mornings on XM Satellite Radio, Channel 202 from 6:00 AM-11:00 AM EST and on Direct TV Channel 879

The Opie and Anthony Show can now also be heard on the following CBS and Citadel Radio stations weekday mornings from 6:00 AM 9:00 AM EST:

92.3 FREE FM - New York City, NY (online stream)
Also featuring Ron & Fez on Free FM weeknights from 6-9pm. Click link for live stream

94.1 FREE FM - Philadelphia, PA (online stream)

104.1 FM WBCN - Boston, MA (online stream)

105.3 FREE FM - Dallas, TX (online stream)

105.9 FREE FM - Chicago, IL (online stream)



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Smilies are **On**
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Forum Jump

[Opie and Anthony Show Daily Broadcasts](#)

All times are GMT -5. The time now is 04:13 PM.

ROCK 107.5 - Tuscan, AZ (online stream)

106.9 FREE FM - San Francisco, CA (show airs from 10am - 1pm) (online stream)

BUZZ 103.1 FM - West Palm Beach, FL

93.7 FM KROCK - Pittsburgh, PA

97.1 FREE FM - Detroit, MI (online stream)

92.3 FM WXRK - Cleveland, OH (show airs from 3pm - 6pm)

107.1 FM WAZU - Columbus, OH (show airs from 3pm - 6pm)

94.1 FM The Zone - Rochester, NY (show airs from 2pm - 5pm)

106.7 FM WJFK - Washington, DC (show airs from 10am - 1pm)

104.7 The Wolf - New London, CT

790 AM The Score -

Providence, RI
107.3 FM WKLO/WILZ - Grand Rapids, MI
97.9 FM WBSX - Wilkes Barre, PA
96.3 FM WBZU - Albuquerque, NM (show airs from 2pm - 5pm)
93.9 & 94.3 FM WCYY/WCYI - Portland, ME
102.9 FM WPXC Pixy 103 - Cape Cod, MA
103.3 FM WEDG - Buffalo, NY
107.5 FM KXTE - Las Vegas, NV (show airs from 10am - 1pm) (online stream)
1330 AM WTRX Sports Xtra - Flint, MI (online stream)
WAQX 97.5 FM - Syracuse, NY (online stream)
93.7 FM KRDJ - Baton Rouge, LA

-- FBA

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EXHIBIT # 35

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The New York Times

Monday, August 20, 2007

Opinion

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JULY 18, 2006, 8:15 AM

Press Release of the Day

By STEPHEN J. DUBNER

Last week, [Levitt declared his intention](#) to run some experiments with poker players in Las Vegas. Well, there's one more player he may want to consider: [Mikey the Chimp](#). He'll be in Vegas since he's competing in the 2006 World Series of Poker. Mikey's gambit is a publicity stunt for a poker website, [PokerShare.com](#). Here's the press release that tells the story:

Hi Stephen,

I think you and your New York Times readers will go bananas for this one: Mikey the chimp has been training to play in the 2006 World Series of Poker and leaves from New York this Saturday to begin his media tour from New York to Las Vegas. Check out [www.MonkeyShare.net](#) and you'll go ape over this chimp playing to win money for his retirement — a real issue his trainers are willing to comment on.

If you can fit him into your schedule, he is available this Thursday and Friday for an in-person interview with his trainers to talk about his \$10,000 seat into the World Series of Poker and why he wants to win. I have included a release below and can also provide you with fantastic for your story. Do you want to schedule an interview for the end of this week?

For some reason, I wasn't tempted to reply to this pitch.

[LINK](#) [E-MAIL THIS](#)

3 comments so far...

- July 18th, 2006 10:18 am "Chimp Pimping" has officially reached new heights.
— Posted by [kkwan](#)
- July 18th, 2006 6:23 pm Don't you find the offer APEaling?
— Posted by [lucidish](#)
- July 18th, 2006 6:44 pm For some time I've been interested in starting a mutual fund where the stock picks are done by an actual chimp, to drum home the point that most fund managers can't "beat the monkey" (yes, I know a chimp isn't a monkey). I think it could attract a lot of gift investments as a joke, and could donate some of the proceeds to charity. Some day I'll get around to doing it.
— Posted by [Brian S.](#)

Add your comments...

Name Required

E-mail Required (will not be published)

Comment

About Freakonomics

Stephen J. Dubner is an author and journalist who lives in New York City.
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Steven D. professor of University c
[Bio](#) | [Contact](#)

Their book *Freakonomics* has sold 3 million cc
This blog, begun in 2005, is meant to keep the
Melissa Lafsky is the site editor.

The FREAK-est Links

Want to interview Jerry Lewis? **Better have \$20K handy.**
(Hat Tip: [Romenesko](#))

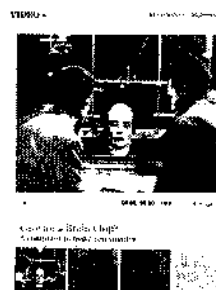
Sorry, Levitt: *High School Musical 2* sets viewing records

Olive oil trafficking akin to cocaine?

Queens: a hub for public libraries. (Related)

And Toda

the day in a **Gehrig** hit career gram is one home seems well a **Barry Bon** so for Mam



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EXHIBIT # 36

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As the Gaming World Turns

Welcome to the Springsgamer blog! My name is Terry "coloradojoe" Terrones and I am a freelance video game journalist. Th place to talk about the most fun thing you can do with your clothes on. Come here first for breaking news, reviews, cheats an debates on games and characters, and my personal favorite - Top 5 lists. Jump into a conversation anytime.

SUNDAY, JULY 30, 2006

The Mole: New GTA for PSP, Movie Contest

Dig out your Hawaiian shirt - Rockstar announced some details concerning the soon to be released Grand Theft Auto: Vice City Stories. The game will come out on October 17 for the PSP for a wallet burning \$49.99.

Just like GTA: Liberty City Stories, gamers should probably expect a PSP to PS2 port (and hopefully for a lot cheaper) but not anytime soon. The LCS version was on the PSP about 8 months before its PS2 debut. Hopefully Vice City Stories will have better voice work, improved graphics and some classic 80's tunes.



Senor Spielbergo - Late last week Xfire and Blizzard announced a movie contest for World of Warcraft. The "Blizzard Xfire World of Warcraft Summer Movie Contest" invites players from the United States, Canada, and Europe to create movies using World of Warcraft and submit them in one of four categories: Short Film, Comedy, Music Video/Dance, and Drama/Action. A total of \$23,000 in prizes will be awarded. Visit the contest's official site at:

http://www.xfire.com/cms/xf_wow_contest_summer.

Banished! - Blizzard is going all Jet-Li against user agreement violators who gold farm in World of Warcraft by banning tens of thousands of accounts and eliminating millions in gold from the economy, according to an official Blizzard forum post.

"As part of our efforts to eliminate cheating from World of Warcraft, we recently banned approximately 59,000 World of Warcraft accounts in the month of June, and with that removed well over 22 million gold from the total economy across all realms," read the statement. " While we regret



Terry "coloradojoe" Terrones

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having to take such extreme action, these accounts were participating in activities that directly violated World of Warcraft's Terms of Use, including the use of third-party programs to farm gold and items."

The announcement went on to thank users who tipped off suspicious accounts, and encouraged more players to do the same when they encounter gold farming tactics. In other words, feel free to rat out these cheaters.

Bada Bing! - THQ announced late last week that the Xbox 360 version of The Sopranos game has been whacked. The company claimed that the next-gen version didn't look all that much better than the PlayStation 2 version, so they want to focus both teams on the PS2 project. The game is still scheduled to release in 2006, but it still hasn't been shown in playable form. If the game is anything like the show, this means gamers probably won't see it until sometime in 2007.

What's behind door #3? - Last Wednesday Atari began the "Test Drive Unlimited - Lifestyle Without Limits Sweepstakes" for gamers who pre-order Test Drive Unlimited. By pre-ordering Test Drive Unlimited at retailer stores, gamers will automatically receive an exclusive in-game Lamborghini Gallardo Coupe download and will be entered into the "Lifestyle Without Limits Sweepstakes." The Sweepstakes Prize list is as follows:

Grand Prize: 2006 Lamborghini Gallardo two door Coupe
 First Prize: First Class, round-trip airfare for two to Hawaii
 Second Prize: \$5,000 Ben Sherman shopping spree
 Third Prize: Wireless headphones with Dolby Headphone Technology
 Fourth Prize: ATI Memory Card

The sweepstakes ends on September 4, 2006. Winners will be announced December 31, 2006. For full details and official rules visit <http://www.testdriveunlimited.com/>. The game is set for release 9/5 for the Xbox 360, 10/24 for the PC and PS2 and 11/14 for the PSP. It will sell for \$39.95 on all systems (even the 360).

P.S. Oops, I almost forgot. Last Thursday I received a Beta version of Test Drive Unlimited. When I get a chance to play it (probably not until next week) I'll post a mini-review of the game on the blog.

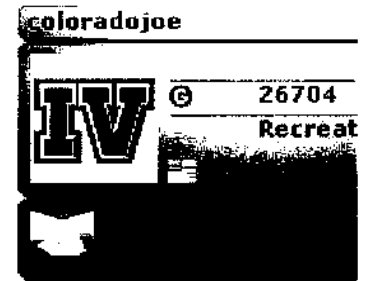
Posted by Terry "coloradojoe" Terrones at 4:37 PM 0 comments Links to this post

FRIDAY, JULY 28, 2006

Monkey Update

GameCrazy

Gamertag



The coloradojoe podcast

Episode 8, Take 3 7/22/07

youtube Simpsons clip: of the new movie)



powered by
Google

This is a picture of Mikey, the poker playing chimp, sent to me by his PR rep. I've been going back and forth with my contact from the company that represents him and I'm trying hard to set up an interview with him and his trainer but haven't had much luck.



From what I've been told, he is already in Las Vegas so a hand of poker with him is out of the question. I'll keep you posted if any of this actually goes anywhere but right now it doesn't look good. Yeah, I know this doesn't really have anything to do with gaming but would you be able to let go of the chance to play poker with a monkey? I didn't think so. So forgive me if I go off on a tangent for a couple of posts.

Posted by Terry "coloradojoe" Terrones at 9:42 PM

0 comments

[Links to this post](#)

WEDNESDAY, JULY 26, 2006

Random Thoughts: Monkeys Playing Poker

All in! - As a video game columnist I get bombarded with requests to take a look at a wide variety of things from companies looking for some free publicity. Some of them are what you'd expect - pay to play video game websites, trivia websites, companies that specialize in gaming accessories, retro gaming systems - pretty standard



stuff.

But every now and then I'll get something in my in-box that's really odd. Usually I delete stuff like this but because this one involves a monkey (and anything involving monkeys is funny) I thought I'd share it with you. Here's a portion of an email I received today:

"Hi Terry,

I think you and your Gazette audience will go bananas for this one: Mikey the chimp has been training to play in the 2006 World Series of Poker and left from New York last Saturday to begin his media tour from New York to Las Vegas. At the moment, Mikey and his trainers are in New Mexico and will continue their journey, stopping for interviews along the way to his WSOP debut. Check out www.MonkeyShare.net and you'll go ape over this chimp playing to win money for his retirement - a real issue his trainers are willing to comment on. If you can fit him into your schedule, he is available today or tomorrow for an in-studio or phone interview with his trainers to talk about his \$10,000 seat into the World Series of Poker and why he wants to win. I have included a release below and can also provide you with b-roll as well as fantastic jpegs for your website. Is today or tomorrow better for you?"

I think it goes without saying that I *will* be interviewing this monkey. How? I have no idea. Heck, I don't even know how a monkey can play cards. What's next? Monkey bus drivers? Although a monkey butler would be cool. What I really want to know is, how did these people get my contact information and how many of the Six Degrees of Kevin Bacon do you need to connect a monkey playing poker to video games? I say 3.

Milli Vanilli is underrated - So I'm finishing up my review of "Prey" today (it won't be in the paper until sometime in August, sorry but I'm a little backed up). The last thing I do when writing a review is the Top 5 list. Since the game is set in space, I figured I'd do a "Top 5 Songs to Listen to While Blasting Aliens" list. I finished my list and I'm checking out videos for all of the songs on youtube.com. (Its a great site, full of absolutely useless stuff. I love it!) Suddenly I come across "Girl You Know Its True" by Milli Vanilli. The video is a 12 out of 10 on the Unintentional Comedy Scale. The dance moves, the voice over at the intro and the bad lip syncing are tremendous. I highly recommend it. The song is actually pretty good. Its got a beat and you can dance to it. Check it out.

Mailbag - Don't forget to join the Mailbag for a chance to win a \$20 gift certificate at terry.terronez@gazette.com.

Posted by Terry "coloradojoe" Terrones at 1:35 PM

0 comments

[Links to this post](#)

EXHIBIT # 37

Welcome to the Online Casino Conditions review of Grand Monaco Casino.
One of the latest Microgaming casinos to come online, Grand Monaco offers a welcome bonus of \$150 Free!



Casino Conditions

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- [Blackjack Rules](#)
- [Craps Rules](#)
- [Keno Rules](#)
- [Poker Rules](#)
- [Roulette Rules](#)
- [Slots Rules](#)
- [Video Poker Rules](#)

Gaming Tips

- [Baccarat Tips](#)
- [Blackjack Tips](#)

Our Top Ten Featured Sites...

Golden Casino 100% up to \$100 Read Review	Captain Cooks \$500 - 1 Hr Free Read Review	Roxy Palace 100% up to \$100 Read Review	Blackjack Ballroom 40% up to \$400 Read Review	Caribbean Gold 100% up to \$150 Read Review
English Harbour 100% up to \$275 Read Review	Millionaire Casino 100% up to \$350 Read Review	All Slots 100% up to \$150 Read Review	Villento Las Vegas 100% up to \$100 Read Review	Sun Vegas 150% up to \$60 Read Review

Grand Monaco Casino

[About](#) | [Software](#) | [Bonuses](#) | [Games & Payouts](#) | [Online Cashier](#)
[Gaming Policies](#) | [Casino Customer Service](#) | [Awards](#)

About

One of the newest high profile online casinos to hit the Web, Grand Monaco Casino has been up and running since July 2006. Backed by Microgaming Software and using the latest edition of VIPER gaming software, Grand Monaco Casino does not need to rely so much on a past track record, unlike many other propriety software casinos. The management team at Grand Monaco is part of the reputable Playshare Group, and has over thirty-five years experience in both the land-based and online casino gambling industry's. Management personnel hail from Harrah's Entertainment, Mirage Casino Resorts and are responsible for creating the Fortune Lounge and Bellerock Gaming group of online casinos and gambling sites.

Seeking to instill a new paradigm of gaming service and player experience, Grand Monaco operates by a unique customer service motto made of five core principles, guaranteeing players will receive the best variety of promotions online, the largest progressive jackpots, cordial customer service 24/7, 100% trust in gaming fairness and odds, and the most modern online security protocols and player privacy protection. In addition to being licensed and regulated by the Kahnawake Gaming Commission, Grand Monaco operates a proactive underage and problem

- Craps Tips
- Keno Tips
- Poker Tips
- Roulette Tips
- Slots Tips
- Video Poker Tips

gambling prevention operative, offering players self-exclusion from online gambling, a compulsive gambling test, help from GamCare and Gamblers Anonymous and direct links to child protection software such as Net Nanny. Grand Monaco also holds an agreement with world renowned accounting firm, Price Waterhouse Coopers, for verifying software fairness and monthly payout percentages, which are published in their original form on Grand Monaco's website.

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Casino Software

Available in both download and Flash form, the software platform utilizes 16-bit computer animated graphics and 128-bit encryption for tight security standards. Players have access to an unlimited bankroll with a "Play for Fun" account in addition to a "Real Money" account, which can also be opened at any time. For those who opt to download the software (this is recommended if you plan to gamble with real money), the Grand Monaco website has easy to follow installation and download instructions. The entire download can take as little as two minutes with a high-speed online connection, and allows user's to selectively choose the casino games they prefer to download. The same feature is available for all future game installments and upgrades, which Microgaming is committed to meeting for a minimum of games per year.

In addition to several customizable gambling options, such as playing speed and multiple gambling windows, some significant features found on Microgaming's VIPER software platform are the well-known CashCheck and PlayCheck systems. Two distinct platforms that allow players to check their entire transaction histories and gambling results, CashCheck and PlayCheck can only be logged into through the software with a username and password, which each player is individually issued. CashCheck keeps track of every withdrawal and deposit a player ever makes with the casino cashier, while PlayCheck records every game result, including dealt cards, bet amount and final game results. The graphics and security features in the software at Grand Monaco Casino are as good as they come.

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Bonuses & Promotions

In the realm of bonuses, comps and promotions, Grand Monaco Casino stands out due to the

scope of their offerings. All free cash bonuses are covered with a reasonable 30x wager requirement that is monitored by a Bonus System which automatically transfers bonus money into a players real-money account as the wager requirement is met. Players should be advised that not all casino games count 100% toward meeting the wager requirement. Slots and keno do indeed count toward 100% of the wager requirement, but table poker, roulette and Sicbo count 50%, while strategy games like video poker, craps, blackjack and baccarat count 10% of every unit bet in meeting the wager requirement.

New players usually have the option to Choose From Two Free Cash Bonuses. At the time of this online casino review, Grand Monaco was offering a 100% Bonus up to \$150 Free for bets at slot machines, or, a 100% Bonus up to \$75 Free for bets made on any mix of casino games. In order to qualify for the bonus, a player must wager their initial deposit 1 time over within seventy-two hours of making the first deposit. While these terms may not be the best in the business, the supplementary offering of a free Casino Kit makes the deal worthwhile in the eyes of many players. In addition to the bonus, players receive 100 free draw tickets for Grand Monaco's \$25,000 Cash Dash Promotion, a free web wallet bonus, a free progressive jackpot reward, and free membership to their highly touted G3 Rewards Club with 2,000 free comp points to start off with.

In addition to the promotions mentioned above, Grand Monaco offers several reoccurring and surprise bonuses, including player birthday gifts, surprise promotional drawings, monthly slot bonuses, weekly double comp points, cash back rewards, and "You've Got Mail" promotions, which players find through their casino account email. Claiming bonuses is as easy as clicking a "Claim Your Bonus" button while logged into the casino software platform, which is much more of a convenience than having to send emails and tracking down bonus codes.

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Games & Payouts

Comprising one of the largest online casinos in operation, there are over 250 online casino games available for download at Grand Monaco. The precise totals at the time of this review are 58 online video slots, 102 reel slot machines, 40 table games and miscellaneous games, 40 video poker and Power Poker machines and 19 of the largest progressive games on the Web. In fact, Microgaming slots hold the world record for the largest progressive jackpot every paid out to a single player, and have to this date, paid out approximately \$206.5 million in progressive jackpots. The daily updated

[Recent Jackpot Winners](#) page on the Grand Monaco Website testifies to this continuing trend.

In regards to payout percentages, Grand Monaco has only been in business for little over a month at the time of this review, and so their first month's report is still being prepared by Price Waterhouse Coopers. However, when it is finished, it will be posted on Grand Monaco's website, as will all future month's payout percentage reports. 100% transparency and game fairness are required of all Microgaming online casino licensees, and players should expect overall combined game averages to be around a 97% median.

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Online Cashier

All financial transactions are handled by the global eCash processor, ProcCyber Services and Hilstead Ltd. (a Gibraltar based company who is incidentally the parent company of Grand Monaco). Keeping all data strictly confidential, secure socket layers and 128-bit encryption are used when exchanging financial details or processing withdrawals/deposits between multiple online computer servers. ProcCyber Services operates a fraud prevention department, which means that no player should worry about sharing their bank account and card numbers with the Grand Monaco Casino cashier. The casino software itself is embedded with a fraud-management protocol (called Risk Sentinel), which uses advanced software tools to monitor all transactions and player accounts. Furthermore, Grand Monaco's Banking Staff uses additional identity verification checks when players request to make withdrawals.

Making deposits can be done through a variety of ways, which are explained in depth on the Grand Monaco website. Not only is every third party casino merchant account reviewed and explained, covering everything from fees to deposit limits, direct links are provided to the web pages where some deposit facilitators require user's to sign up first, then return to the casino cashier and provide one's account details. The best eWallets in the business (those using the same security protocols as the world's leading financial institutions) are accepted at Grand Monaco Casino, including NETeller, Citadel, Click2Pay, MoneyBookers, PaySpark, FirePay, PaySafeCard, UKash, UseMyBank, Instant Wires, eChecks and credit/debit cards. Many of these methods also facilitate withdrawals from a players casino account and back into a personal banking account. Grand Monaco is dedicated to guaranteeing the fastest payouts available as part of their five-core customer service policy.

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Gaming Policies

The Terms and Conditions for opening an account at Grand Monaco Casino are organized according to the players responsibilities, terms covering banking/purchasing/withdrawals, legal matters, account activity and casino policy. Players are advised to read the entire terms and conditions posted on the Grand Monaco Website before opening an account, which are the only binding terms between the player and casino. In keeping with our commitment that only the most fair and reputable online casinos are reviewed and posted on the Online Casino Conditions website, we assure players there are no unreasonable or unwarranted policies imposed by Grand Monaco Casino or the Playshare Group. The following is a summary of the casino policy and the most important terms regarding player accounts and responsibilities:

- 1) It is the player's responsibility to furnish accurate registration details, including financial information that matches with the information provided on credit cards or other funding sources. Discrepancies between registration and accounting details will give cause for management to close an account. All personal data is strictly confidential and will not be sold or shared to affiliated and non-affiliated third parties.
- 2) It is the player's responsibility to insure their account, username and password are secured from other individuals and that allowing others to gamble on ones account warrants its closing and possible forfeiture of funds. Players also understand that only one account per individual, household, computer or credit card is permitted.
- 3) Player understands that gambling online entails a risk of money. Player agrees to this risk, and that he or she is doing so for entertainment purposes only. Using the software in any professional capacity whatsoever, including gambling as a member of a club, is not allowed.
- 4) A minimum of \$50 is required for making withdrawals, which the player may be asked to provide further identification for when processing. Player agrees to having their credit worthiness investigated when making an initial application. All direct payments will appear on statements as www.hilstead.com or www.proccyber.com.
- 5) Player agrees to gamble in the currency of the country in which they reside. Unavailable currencies

are required to play in US Dollars, which will be converted according to international exchange rates at that time.

- 6) Account inactivity for more than a period of 180 days warrants the closing of said account and a transfer of any and all outstanding funds.
- 6) Player must be of legal age to gamble according to the laws presiding over one's residence and jurisdiction. Player is also held solely responsible for participating in online casino gambling activities as governed by laws in one's country of residence.
- 7) The implementation of bots, software or electronic devices for cheating the gambling software platform is strictly prohibited and warrants the immediate closing of accounts and forfeiture of net winnings.
- 8) All inquiries to Grand Monaco Casino will be answered no later than two working days. Disputes regarding game result discrepancies between gaming servers and personal computer screens, must be submitted to customer service no later than fourteen days after the said occurrence.
- 9) Employees of Grand Monaco Casino, family members of employees, associated companies, affiliates, licensees and business partners of Grand Monaco Casino are not permitted to open accounts or make use of the casino software.
- 10) Players agree to indemnify Grand Monaco Casino of any expenses, damages, liabilities or legal action taken against or by the player as a result of using and/or using any materials/software/server belonging to Grand Monaco Casino.

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Casino Customer Service

As mentioned in the "About Us" section of this casino review, Grand Monaco is managed by a team with over thirty-five years experience in the land-based and online gambling industry's, including Harrah's, Mirage Casino Resorts, Fortune Lounge Casinos and Belle Rock Gaming. That being said, one would expect their customer service department to be well trained and sensitive to every player's needs. Based on their track record with Fortune Lounge online casinos and their already fast-growing

database of return players, Grand Monaco lives up to these expectations. There are several departments that can be contacted directly by email, toll-free telephone and Live Chat via Grand Monaco's website and software platform. General email questions can be sent to support @ grandmonacosupport.com while toll-free telephone calls can be made by dialing 1-888-214-1951 or 0800-051-6701 (UK). Other department that can be contacted directly by email include Tech Support, Accounting, Promotions, G3 Rewards Club, Affiliations and General Marketing.

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Awards

Being a brand new online casino, no awards have been given directly to Grand Monaco Casino just yet, although it is a good bet they will be in the voting for Best New Online Casino for 2006. As for the management team at Grand Monaco, they have received numerous online gambling player poll awards for their achievements with the Fortune Lounge Group of online casinos, including awards for "Quickest Payouts", "Top Casino Customer Service", "Top Rewards Program", Top Progressive Slot Site" and for being the "Top Casino Group". Being under the same management, but with even more experience and insight, it is only a matter of time before the growing Grand Gaming Group and Grand Monaco Casino achieve the same. Of course, being powered by Microgaming's VIPER platform, Grand Monaco gamblers also have access to the best award-winning software currently on the market.

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[Visit Grand Monaco Casino for more information.](#)

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EXHIBIT # 38

Online gambling guide and online casinos. Casino reviews, promotions, free casino chips, news and info about gambling

You are here: Gambling (Home) --> Online Casinos --> *Grand Monaco Casino*.

GRAND MONACO CASINO

- > Play at Grand Monaco Casino
- > Download Grand Monaco Casino

Bonus: 100% Bonus up to \$150.

Editor's Rating: 

Grand Monaco Casino started taking bets in July 2006 and is actually the biggest Microgaming online casino to offer over **250 games** and all new players who sign for a REAL money account get \$150 and a Casino Kit absolutely free! You can find every kind of slot machines, progressive jackpots and table games such as Roulette, Blackjack and Baccarat. In addition to the widest selection of slots games on the web, the casino features poker, video poker, keno, craps, and 14 Progressives Jackpots totaling over \$1,2million!



Overall Rating:

4.0/5

Software:

Microgaming.

Payout:

96.73%

Currencies:






Deposit Methods:

Visa / MasterCard (Instant). NETeller (Instant). Moneybookers (Instant). Click2Pay (Instant). Payspark (Instant). Visa Electron / Delta (Instant). myCitadel (Instant). Eco (Up to 5 days). Wire Transfer (Instant). Firepay (Instant). eCheck (Instant). UseMyBank (Instant).

Languages Available:



-  Casino Italiano
-  Deutsch Casino
-  UK Casino

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CASINO
BELLINI

WELCOME
BONUS

RI IV £97

A state of the art security and a superior customer service make the gaming experience very interactive and realistic. You can be rewarded by regular bonuses and prizes and also daily surprises and regular competitions between players. New players become automatic members of their unique **G3 rewards program**, and are eligible for a host of monthly promotions and prize giveaways.

Players are supported in English, French, Spanish or German and can deposit in US and Canadian dollars, Euros or Sterling, using a wide selection of payment options including Neteller and Click2Pay.

Security and privacy are of the utmost importance to them. To this end, Grand Monaco Casino safeguard your banking transactions and personal details with stringent security controls and 128-bit SSL encryption technology. You can rest assured that playing at Grand Monaco is a safe bet. Member of the Grand Gaming Group, Grand Monaco Casino utilizes the latest Viper Software from Microgaming and offers 24/7 online and toll-free telephone support.


Quick Guide

Downloading and Installing Grand Monaco Casino.

- 1) Grand Monaco Casino is a casino powered by Microgaming which offers great games and an amazing signup bonus: 100% Bonus up to \$150.
- 2) Downloading and installing Grand Monaco Casino is very easy and hassle-free, you can start playing at your favourite games in few minutes.
- 3) Visit Grand Monaco Casino or download the casino from here. It will takes only few minutes.
- 4) Choose to save Grand Monaco Casino installation file on the Desktop. After the download is finished, click on the "Run" button and start the installation.
- 5) Click on the Grand Monaco Casino icon and connect to the casino lobby.
- 6) Register as a new player and get your 100% Bonus up to \$150.
- 7) Should you need further assistance, visit our casino guide page.

Play at Grand Monaco Casino

Read other Online Casino reviews

 **U.S. Residents:** due to legislative changes and events, U.S citizens are no longer able to use NETeller, MyCitadel and Citadel from any online gambling sites. Some online casinos also stopped to accept players living in the United States. Read our page where we have a list of online casinos accepting players from USA. These online payment methods are still aviable for players living outside of the US. For future deposits and withdrawals at online casinos you can choose other methods available including Click2Pay, EveryWhereMoney, EcoCard and EZIPay.

Gambling Newsletter

Learn more about Grand Monaco Casino. Subscribe to our FREE Gambling Newsletter to receive news and Special Promotions.

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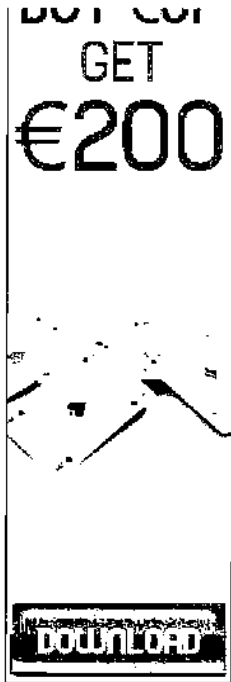
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U.S Online Casinos

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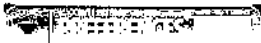
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EXHIBIT # 39



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English

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New York

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Playshare acquires Grand Gaming Group

21 Nov 2006

Playshare, parent company of CasinoShare.com, Pokershare.com and the Playshare Affiliates Program, has acquired the Grand Gaming Group, which comprises Grand Monaco Casino as well as the G3 Partner affiliate program that promotes it.

Playshare says the deal creates a bigger, stronger team to support its affiliates and adds grandmonaco.com,

deutschesgrandmanaco.com and casinograndmonaco to the Playshare program. Both the Grand Gaming casinos and the already existing Playshare products are powered by Microgaming software and regulated by the Kahnawake Gaming Commission.



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EXHIBIT # 40



CHAT CONFERENCES CASINO FEED AFFILIATE WARNINGS BUILD YOUR PORTFOLIO



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**ASK THE
PROFESSOR**

CERTIFIED PROGRAMS

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SPORTSBOOK

POKER

BINGO

SKILL GAMES

Certified Casino Affiliate Programs

ReferBack

Join this Affiliate Program >

COMMISSION PROGRAMS

REVENUE SHARE 35%

PAY-PER-PLAYER

HYBRID

MULTI-TIER

DETAILS

PROPERTIES:

River Belle online casino, The Gaming Club online casino, Lucky Nugget Online Casino, Jackpot City Online Casino

SOFTWARE:

Microgaming

Shane

Affiliate Manager



www.referback.com

shane@referback.com

PAYMENTS METHODS

Check NETELLER

Moneybookers Click2Pay

Wire Other

Contact me

Join

Affiliate Program Review

We let you choose the commission structure that gives you the highest payout, while still letting you maintain the lifestyle you want. You decide how many hours you want to work! We even go so far as to give you a choice between 4 different commission deals to get you on the road to financial independence. Earn up to 35% commission on the lifetime of your customers' play. Earn \$500 CPA in 4 installments of \$125 each when your players go on to purchase and play during the following months. Earn 50% commission for the first three consecutive months of your newly acquired player's life. Earn \$200 CPA (4 installments of \$50) plus 25% commission on the lifetime of their play.

Current Webmaster Promotions

WHAT'S NEW!! RiverBelle Brings you...The RiverBelleBonus wheel 3 FREE Spins and Countless chances to win. It's hip, it's happening, it's the best thing since Referback and IT'S HERE! Click here NOW to promote the BRAND NEW RIVERBELLE BONUS WHEEL!

Contact your Account Manager to get your hands on the HOT bonus wheel creative!!

The World's gone BINGO!!

Make Bingo Your Business

The best part is you can earn a share of this lucrative multi-billion pound business!

That's right, the online Bingo business is booming and this is especially true in the UK, the fastest growing online Bingo market in the world.

Why you ask? Simple:

Current Webmaster Promotions

Casino Profit Share currently provides the affiliate marketing solutions for 5 well known and long established Microgaming casinos and 2 Multiplayer Poker Rooms (Golden Reef, Aztec Riches, Music Hall, Challenge, UK Casino Club, Aztec Riches Poker, Poker Metro). This group of casinos have teamed up to become the "Casino Action Group" which is providing real casino players with real competitions, bonuses and stacks of cash prizes every week. We have 24x7 service, dedicated affiliate consultants and on time payment processing.

PlayShare Affiliates

Join this Affiliate Program >

COMMISSION PROGRAMS

REVENUE SHARE	25-35%
PAY-PER-PLAYER	
HYBRID	
MULTI-TIER	3%

DETAILS

PROPERTIES:
Grand Monaco, CasinoShare, PokerShare

SOFTWARE:
Microgaming

Lawrence Wilson / Jon-Jon Keeg:

Affiliate Manager



www.playshare.com

lawrence@playshare.com

PAYMENTS METHODS

Check	NETELLER
Moneybookers	Click2Pay
Wire	Other

[Contact me](#)

[Join](#)

Affiliate Program Review

PlayShare Affiliates is a relatively new, but already highly successful, affiliate program that has a clear vision to take PlayShare's gaming properties to the very top. With the acquisition of Grand Monaco's affiliate program, G3 Partner, PlayShare's ambitions to be one of the top 5 gaming companies within the next two years is very achievable.

A massive opportunity therefore exists, for all affiliates, to take advantage of the growth that this will provide to the individual casinos and the group as a whole.

The amalgamation has already created a bigger and stronger team to support the requirements of both players and affiliates alike, and now provides you with five world-class products to promote - www.playshare.com, www.casinoshare.com, www.grandmonaco.com, www.deutschesgrandmonaco.com (German) and www.casinograndmonaco.com (French). And there are more to come in the future!

With some of the most experienced affiliate managers in the industry, a suite of exciting products to market, and a cutting-edge affiliate program tailored to suit every affiliate requirement, the future looks very bright indeed.

Current Webmaster Promotions

None at present, but keep an eye on our websites for some exciting contests and promotions launching shortly!

WagerShare

Join this Affiliate Program >

COMMISSION PROGRAMS

REVENUE SHARE	35%
PAY-PER-PLAYER	
HYBRID	
MULTI-TIER	

DETAILS

PROPERTIES:
Spin Palace, Ruby Fortune

SOFTWARE:
Microgaming

Tim Whyles

Affiliate Manager

EXHIBIT # 41

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

**La Société des Bains de Mer et du
Cercle des Etrangers à Monaco,
Place du Casion, Monte Carlo, MC
98000 Monaco, Principauté de Monaco**

(Complainant)

-v-

**Lucan Toh and Max Wright
46 Berkeley Square,
London, W1J 5AT
UK**

(Respondents)

Case No: D2007-0249

Disputed Domain Names

grandmonaco.com and others

RESPONSE

(Rules, para. 5(b))

I. INTRODUCTION

1. On 26 March 2007, the Respondents received an amended Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email and courier informing the Respondents that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on October 24, 1999, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**). The Center set 15 April 2007 as the last day for

the submission of a Response by the Respondents. By a communication from the Center of 12 April 2007, this date was extended to 1 May 2007.

II. RESPONDENTS' CONTACT DETAILS
(Rules, para. 5(b)(ii) and (iii))

2. The Respondents' contact details are respectively:

Name: *Lucan Toh*
Address: *46 Berkeley Square,*
London, W1J 5AT
UK
Telephone: +44 (0) 207 598 4086
Fax: +27 (0) 21 447 4219
E-mail: *Lucan.toh@playshare.com*

Name: *Max Wright*
Address: *46 Berkeley Square,*
London, W1J 5AT
UK
Telephone: +44 (0) 797 9757 824
Fax: +27 (0) 21 447 4219
E-mail: *max.wright@playshare.com*

3. The Respondents' authorized representative in this administrative proceeding is:

Name: *Warner Jerrard*
Address: *Hamilton Downing Quinn Solicitors*
Ruskin House,
40/41 Museum Street,
London WC1A 1LT
UK
Telephone: *020 7831 8939*
Fax: *020 7831 8798*
E-mail: *warnerj@hamd.co.uk*

4. The Respondents' preferred method of communications directed to the Respondents in this administrative proceeding is:

Electronic-only material

Method: e-mail
Address: warnerj@hamd.co.uk
Contact: Warner Jerrard]

Material including hardcopy

Method: post/courier
Address: Hamilton Downing Quinn Solicitors
Ruskin House,
40/41 Museum Street,
London WC1A 1LT
UK
Fax: 020 7831 8798
Contact: Warner Jerrard

III. RESPONSE TO STATEMENTS AND ALLEGATIONS MADE IN COMPLAINT
(Policy, paras. 4(a), (b), (c); Rules, para. 5)

5. Save that neither Respondent has any interest in the domain names "pokergrandmonaco.net" and "pokergrandmonaco.org", which are not therefore in issue in these proceedings, the Respondents hereby respond to the statements and allegations in the Complaint and respectfully request the Administrative Panel to deny the remedies requested by the Complainant.
- A. **Whether the domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights:**
(Policy, para. 4(a)(i))
6. Clearly none of the domain names in issue in these proceedings are identical to either of the Complainant's Registered Trade Marks "Casino de Monte Carlo" or "Casino de Monaco". All the Respondents' domain names incorporate the word "Grand", which makes them significantly different from the Complainant's Registered Marks.

7. Neither, it is submitted, are they confusingly similar:
- a. So far as the well-known mark "Casino de Monte Carlo" is concerned, none of the domain names in issue incorporate the words "Monte Carlo". The word Monaco is a geographical term which is distinct from Monte Carlo, and the use of the significant word "Grand" in association with Monaco (in all the domain names in issue) serves further to distinguish the names. (There is no basis for saying that the word "Grand" is in any way associated with the Complainant. It is, however, a word with considerable potential trade mark significance, and capacity for further differentiating the Respondents' domain names from the Complainant.)
 - b. As to the mark "Casino de Monaco",
 - i. It is a mere combination of the geographical term "Monaco" with the descriptive term "Casino", and is accordingly *prima facie* unregistrable.
 - ii. The Complainant has no separate reputation in this name, which is not the name of any of its casinos, and is not promoted by the Complainant as one of its trade names. Accordingly it has not acquired sufficient distinctiveness to outweigh its *prima facie* unregistrability, and is invalidly registered.
 - iii. Even if the mark were to be validly registered, it is not a well-known mark, and accordingly it is entitled to less broad protection than may be accorded to a well known mark.
 - iv. The use of the word "Grand" in association with Monaco is a further and sufficient distinction. It is true that the word "Grand" is often used in connection with casinos, but it is capable of distinguishing businesses, as is illustrated by the use of the term alone in the Casinos at Biloxi and Gulport and by the many hotels around the world called, simply, "Grand" or "The Grand". It is true that it might not be a powerful differentiating factor when added to a well-known mark, but Monaco is not a well-known

mark for Casinos, from which a smaller difference is therefore sufficient to avoid confusion.

- v. The domain name "grandmonaco.com" has acquired an independent reputation on account of extensive use for on-line gambling purposes since it was first registered in 2000. This independent reputation eliminates any residual prospect of confusion.
 - c. Furthermore, the Respondent is engaged in a very different field of gambling from the Complainant: online gambling is very different from the Complainant's business, and would be seen as such by the normal member of the public. Although this factor in itself does not suffice to differentiate the marks, it is an essential part of the background against which the other differentiating features must be viewed.
8. Some of the Respondents' domain names in issue do also incorporate the word "Casino", which makes them closer to the marks relied upon by the Complainant. Without in any way admitting that these names are close enough to be confusingly similar, but bearing in mind that they have no substantial commercial importance to the Respondents, the Respondents are content that those incorporating the word "Casino" should be cancelled. The Respondents would ask for one month to achieve this, however, because a few of these names are referred to in PlayShare's main site (grandmonaco.com) and the time requested is needed to adapt the references. (By way of example, if a user of grandmonaco clicks on the US flag at the top right hand side of the grandmonaco.com site, he is transferred to grandmonacocasino.com.) The Respondents would add that the word "Casino" is commonly used in relation to gambling, including internet gambling, and does not have any exclusive association with the Complainant. Nearly all online gambling sites described themselves, or have areas which are described as, Casinos. The Respondents' use of that word on their actual website therefore adds nothing to the Complainant's case.

9. The Respondents further rely on the Statement filed herewith of Maxwell Wright.
10. In so far as any separate point arises out of the fact that the Complainant claims to have a monopoly in casinos in Monaco:
 - a. There is no reason to suppose that this obscure fact is known to any significant number of potential punters on the Respondents' web site,
 - b. Anyone sophisticated enough to know that there was such a monopoly would hardly be likely to imagine that there was any connection between that monopoly and the Respondents' web site, and
 - c. The monopoly lasted only until 1 April 2007, according to the Decree exhibited to the Complaint.

B. Whether the Respondents have rights or legitimate interests in respect of the domain names;

(Policy, para. 4(a)(ii))

11. The Respondents refer to the Statement of Maxwell Wright.
12. It is contended that the Respondents have legitimate rights in relation to the domain name for the following reasons:
 - a. The Domain name has been in legitimate (albeit intermittent) use for gaming purposes since at least July 2000, well prior to the registration of the "Casino de Monaco" trade mark.
 - b. The Respondents' company, PlayShare.com PLC ("PlayShare"), bought the domain names in issue in good faith as part of an established business with effect from 1 November 2006. That business had been trading extensively since June 2006.
 - c. The domain name "grandmonaco.com" was in use from some time in 2000 as the name of a website also providing online gaming services.
 - d. Prior to the institution of these proceedings, PlayShare and its predecessors have made extensive use of the primary names grandmonaco.com and deutschesgrandmonaco.com, and have built

up a reputation among its customers as the proprietors of the name "Grand Monaco". They have further established a network of relationships with agencies or "associates" who feed punters or potential punters to PlayShare by incorporating links to one of PlayShare's domain names in the software underlying their own websites.

- e. Although the Complaint draws attention to the "no connection" strap line, no adverse inference should be drawn from it. It was put in place by the previous owners of the domain names on 7 October 2006, after MicroGaming had made a recommendation to them as a result of the WIPO decision at

<http://www.wipo.int/amc/en/domains/decisions/html/2006/d2006-0289.html> .

The site had been launched on 25 June 2006 and was extensively used before the strap line was added. There never has been any confusion between the site and the Complainant, and it would be unfair to infer the possibility of confusion from the fact that, out of an abundance of unnecessary caution, the strapline was added.

C. Whether the domain names have been registered or are being used in bad faith.

13. The Respondents deny that the name Grand Monaco, and its domain names incorporating "grandmonaco" were chosen, or are being used, in bad faith, for the reasons set out in the Statement of Maxwell Wright.
14. It should be noted in particular that the Respondent does not make any use in its website of any illustrations of the Claimant's Casinos, still less of their names. On the other hand, the Respondent does have an independent reputation in the name "Grand Monaco", which it purchased in good faith as an established business with effect from 1 November 2006.
15. As to the point that the Respondents must have known when they bought the domain names that they were likely to be the subject of proceedings by the Complainant, this is a point which has very little weight in the present case. Max Wright accepts that it would obviously have been wrong to use

the Complainant's well known "Casino de Monte Carlo" marks, but these names are based on the geographical word Monaco, which is not the Complainant's name. Mr. Wright says in his Statement that it did not occur to him that there could be a problem with the use of a geographical name which he did not know was the Complainant's name. Given that the Complainants were indeed well known for protecting their well known Monte Carlo trade marks, but given also that the "grandmonaco.com" domain name had been on the Register unchallenged for more than 6 years, and had been extensively used at various times during those six years, there was no reason for the Respondents to suppose that they were liable to be faced with these proceedings. On the contrary, a purchaser of the business would be entitled to conclude not only that there was nothing wrongful about the business (because its name was different, and it had traded extensively without any evidence of confusion) but that the Complainants took the same view of it. A further consideration which weighs heavily in the Respondents' favour on this issue is that they would have been extremely foolish to buy and then further develop a business which they knew to be vulnerable to proceedings of this kind. Although in past decisions of WIPO panellists there has sometimes been a tendency to infer that Respondents must be intending to profit from any domain name which is held to be too similar to the Complainant's name, in the present case it is incredible to suppose that some sort of expectation of illicit gain could possibly have justified the enormous damage which will be caused to the Respondent by having to stop using these names. This is thus a case where the actual evidence outweighs any inferences which might be drawn in the absence of a Response.

D. Jurisprudence of WIPO.

16. Geographical names may be used for many legitimate businesses operating in parallel throughout the world, and it would be wrong to allow a person who happens to have a trade mark registration to monopolise domain names throughout the world which contain the same geographical name. The jurisprudence of WIPO adjudicators has

consistently refused to allow even registered geographical names to be exploited so as to prevent third parties from making legitimate uses of domain names containing the same geographical name. For example, in *Neusiedler A.G. v. Vinayak Kulkarni* WIPO Case No.D2000-1769, the Panel said:

"The trademark - as well as the company name - "Neusiedler" of Complainant can not grant a right of exclusive use of the geographic term. Geographic names can not be monopolised by registering a trade mark or company name. The use of geographic terms such as in domain names or otherwise by third parties is generally possible despite of a trade mark registration."

17. This is, it is submitted, particularly the case where the geographical name is one which is particularly attractive (because of its glamorous associations) and has been widely adopted in trade marks and domain names. (That it has been widely adopted is illustrated by the material exhibited to the Statement of Max Wright submitted with this Response.)
18. Still more must it be the case where, as in the present case, the geographical name relied on – Monaco – is not actually the name of the Complainant or of its business, and it was only registered as part of a trade mark after the main relevant domain name (grantmonaco.com) had already been registered and used for the same purpose as the Respondents'.
19. Various earlier decisions of WIPO adjudicators have been referred to in the Complaint, as to which the Respondents contend as follows:
 - a. D2004 -0415 – monte-carlogrand.com. The Respondent did not answer the Complaint in this case. It is submitted therefore that the decision is of little persuasive effect. It is not surprising that where a Respondent chooses not to respond to a Complaint, the Complainant's arguments are accepted, as they were in this case. In any case, even if it be accepted that "Grand" is an insufficient differentiation from the well-known mark "Casino de Monte Carlo", it does not follow that the same is true of the less well-known mark "Casino de Monaco".
 - b. D2000-1332 – monacogambling.com. This was a cybersquatting case. Given that the only purpose of cybersquatting is to obtain some sort of

benefit as against the legitimate owner of a mark, it is hardly surprising that a finding of confusing similarity was arrived at. The decision was, however, one of fact, not law, and it depended on the evidence available in that particular case. It was, after all, the cybersquatter's presumed intention to get the benefit of confusion, and if he intended to cause it, it is not surprising that the Panel concluded that he would have succeeded. In the present case, on the other hand, the evidence of Max Wright demonstrates that PlayShare has a substantial and independent goodwill in its mark "Grand Monaco", and that they have no intention of causing confusion or trading off the goodwill of the Complainant. Furthermore, there is extensive contact between PlayShare and its customers, and enquiries have revealed that no-one has ever suggested that there is any connection with the Complainant, or that the PlayShare was in some way taking advantage of the Complainant's name. This evidence is sufficient to differentiate the present case from decision D2000-1332. There is no evidence to the contrary on the Complainant's side.

- c. D2000-1328. (Numerous "monte-carlo" domain names, and two "monaco" domain names.) This appears to have been a trafficking case, in which the Respondent put forward shadowy and unconvincing evidence of trading on the basis of the existence of some Panamanian and Dutch Antilles corporations. The Respondent was trying to sell a large number of plainly confusing domain names, and it is hardly surprising that the two "monaco" names were treated as confusingly similar too. There was none of the substantial evidence of non-confusing similarity and substantial parallel trading which is relied upon by the Respondents in the present case. (As to the point taken by the Panel in that case that Monaco and Monte-Carlo are synonymous, it may be that they are for some purposes, much as the words "large" and "grand" are, for some purposes. But it does not follow that they are perceived as synonymous in a situation where the mark "Casino de Monte-Carlo" is extremely well-known, while the name "Grand Monaco" has built up for itself an independent and substantial reputation for online gambling, and no instances of

confusion are known to either side.) The case appears to be primarily relied on by the Complainants, however, for the proposition that the presence in a domain name of extra entirely descriptive words, such as "poker" or "gambling" does nothing to improve a Respondent's position. This is not in issue in the present case: the numerous subsidiary marks owned by the Respondents came as part of the overall package, are not promoted, and Max Wright explains that their only purpose is to keep others off the Respondents' turf. It is not contended that they add anything to the Respondents' case relating to the main marks "grandcasino.com" and its German equivalent.

- d. D2005-0225 – montecarlocasinoandsportsbook.com. This was a very clear case of a confusing domain name, and no Response was filed. It is cited for the same proposition as the previous case, which is not in dispute.
- e. D2003-0246 – swisscasino.com. In that case, the Respondent was using an identical domain name (apart from the absence of a space between the words) to the Complainants well known mark "Swiss Casino", used for a chain of casinos in Switzerland. The Respondent was alleged (and found) to be intentionally passing off its business as connected with the Claimant. On the facts and evidence in that case, this may well have been justified, but the facts and evidence in the present case are quite different. There is no sufficient basis in the present case for a finding of passing-off.
- f. Cases, such as D2000-0003, D2000-0028 and D2005-1342, about unused, or "inactive" domain names are not relevant to the present case. The Respondents' two most significant marks are being used, and the others, it is submitted, stand or fall with them. Decision D2005-1342 goes rather further than this, however, and a finding was made, on the evidence in that case, that passing-off would occur if the domain name in question were to be used. The domain name was montecarlograndcasino, and the Respondents would not contest the proposition that basing a domain name on the well known trade mark "Casino de Monte Carlo" might lead to confusion. In the present case,

however, substantial use of the domain name in issue has thrown up no instances of confusion at all.

IV. ADMINISTRATIVE PANEL

(Rules, paras. 5(b)(iv) and (b)(v) and para. 6; Supplemental Rules, para. 7)

20. The Respondents elect to have the dispute decided by a single-member Administrative Panel.

V. OTHER LEGAL PROCEEDINGS

(Rules, para. 5(b)(vi))

21. The Respondents are not aware of any other legal proceedings relating to the domain names in issue in these proceedings.
22. In the event of any future litigation, the Respondents do not accept that they have submitted to the jurisdiction of the Courts of Maricopa county, Arizona for the purposes of WIPO's Rules.
23. The relevant WIPO definition is as follows:

"Mutual Jurisdiction means a court jurisdiction at the location of either (a) the principal office of the Registrar (provided the domain-name holder has submitted in its Registration Agreement to that jurisdiction for court adjudication of disputes concerning or arising from the use of the domain name) or (b) the domain-name holder's address as shown for the registration of the domain name in Registrar's Whois database at the time the complaint is submitted to the Provider." (Emphasis added.)

24. It is possible that Go-Daddy's standard form of original registration agreement satisfies this test, because it says:

"13. venue; waiver of trial by jury

This agreement shall be deemed entered into in the state of Arizona. Except for all disputes concerning the use of a domain name registered with Go Daddy, the laws and judicial decisions of Maricopa

county, Arizona, shall be used to determine the validity, construction, interpretation and legal effect of this agreement. For the adjudication of disputes concerning or arising from the use of a domain name registered with Go Daddy, You shall submit, without prejudice to other potential applicable jurisdictions, to the jurisdiction of the courts (1) of Your domicile and (2) where Go Daddy is located. You agree that any action relating to or arising out of this agreement, shall be brought in the courts of Maricopa county, Arizona." (Emphasis added.)

25. Go Daddy's transfer agreement, however, (which it is to be inferred was the agreement signed by the Respondents) is drafted very differently, as follows:

"10. the agreement is governed by Arizona law

THIS AGREEMENT SHALL BE DEEMED ENTERED INTO IN THE STATE OF ARIZONA. THE LAWS AND JUDICIAL DECISIONS OF MARICOPA COUNTY, ARIZONA SHALL BE USED TO DETERMINE THE VALIDITY, CONSTRUCTION, INTERPRETATION AND LEGAL EFFECT OF THIS AGREEMENT. THE CURRENT REGISTRANT AND THE NEW REGISTRANT AGREE THAT ANY ACTION RELATING TO OR ARISING OUT OF THIS AGREEMENT SHALL BE BROUGHT IN THE COURTS OF MARICOPA COUNTY, ARIZONA AND CURRENT REGISTRANT AND NEW REGISTRANT AGREE THAT MARICOPA COUNTY, ARIZONA IS THE SOLE AND EXCLUSIVE VENUE FOR SUCH ACTIONS.

26. It will be noted that this does not cover disputes about the "use" of the domain name, and accordingly it does not include what WIPO's rules call "disputes concerning or arising from the use of the domain name".
27. The Respondents accordingly submit that the only Courts of "Mutual Jurisdiction" which should be recognised by WIPO for the purposes of this Complaint are "the domain-name holder's address as shown for the registration of the domain name in Registrar's Whois database at the time the complaint is submitted to the Provider", that is to say the Courts of England and Wales.

28. In so far as the Complainant purports to specify the Courts of Maricopa County in Arizona, the Complaint is defective, and needs to be amended. The filing of this response, (given the tight deadline set by WIPO,) should not be taken as an acceptance of the position taken by the Complainant, or a waiver of the deficiency in the Complaint.

VI. COMMUNICATIONS

(Rules, paras. 2(b), 5(b)(vii); Supplemental Rules, para. 3)

29. A copy of this Response has been sent or transmitted to the Complainant on [date] by [indicate methods of communication and contact details used, with reference to Rules, para. 2(b)].
30. This Response is submitted to the Center in electronic form (except to the extent not available for annexes), and in four (4) sets together with the original.

VII. PAYMENT

(Rules, para. 5(c); Supplemental Rules, Annex D)

Not applicable

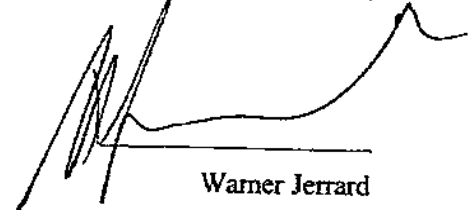
VIII. CERTIFICATION

(Rules, para. 5(b)(viii), Supplemental Rules, para. 12)

31. The Respondents agree that, except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable for any act or omission in connection with the administrative proceeding.

32. The Respondents certify that the information contained in this Response is to the best of the Respondents' knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Warner Jerrard', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'W'.

Date: 27th April 2007

EXHIBIT # 42

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

**La Société des Bains de Mer et du
Cercle des Etrangers à Monaco,
Place du Casion, Monte Carlo, MC
98000 Monaco, Principauté de Monaco**

(Complainant)

-v-

**Lucan Toh and Max Wright
46 Berkeley Square,
London, W1J 5AT
UK**

(Respondents)

Case No: D2007-0249

Disputed Domain Names

grandmonaco.com and others

**STATEMENT OF
MAXWELL G WRIGHT**

I, Maxwell G Wright, of 46 Berkeley Square, London, W1J 5AT, UK say as follows:

1. I am the Chief Executive Officer of PlayShare.com PLC, ("PlayShare") a British company, and I make this Statement in Response to the Complaint made in this case by the Société des Bains de Mers et du Cercle des Etrangers à Monaco. The facts stated herein are true to the best of my knowledge and belief. Most of the facts stated are within my own personal knowledge, save where is apparent from the context. Attached to this Statement is a bundle of documents, numbered in the bottom right, to which I will refer from time to time, as R/1, etc.

Introduction

2. Before turning to the three requirements which the Complainant would need to establish to succeed in its application, I must explain the nature of our business and the manner in which we acquired the domain names in issue.
3. Around September 2006, I decided that PlayShare should expand its existing online gaming business by acquiring the Grand Gaming Group, including its Grand Monaco business and the G3 affiliate program. The Grand Monaco gaming site had been launched more or less in its present form on the 25th June 2006, and was a well established casino when we purchased it, which we did with effect from November 1st 2006. For example, in the month of October 2006 \$9,677,034 of bets were placed at Grand Monaco resulting in a revenue of \$223,098.
4. The nature of this business is that there are many suppliers of online gaming services, such as ourselves, who run actual games (usually using licensed gaming software – in our case the software of a firm called “Microgaming”), and there are many agencies or “affiliates” (also online) who promote the services of suppliers such as ourselves (and take a commission on the business of all punters who reach us through them). By way of example, R/1-4 are print-outs of the first pages of the websites <http://www.gamblingphd.com> and <http://www.casinoraigeber.com> illustrating how they, along with many others, promote our services. About 95% of our business currently comes through such agencies, and the remaining 5% (approximately) reaches us from punters who access our website directly. There are at this time 463 such agencies promoting our services of which many have multiple avenues and domains that advertise our services.
5. The domain name of our website is thus important to us in two ways:
 - a. The 5% or so of our customers who access our site directly use our domain name to do so, either because they have seen some sort of promotional material, or by word of mouth from existing punters, or because they have found us through a search engine such as Google.
 - b. As to our agents, they do not necessarily directly present our domain name as such to their customers. As can be seen from R/1-2, it is sufficient for their purposes to have a clickable box or button, containing text describing us and our services, but not including the formal domain name. The domain name is, however, still very important to us in connection with the agents, because the

programming associated with the clickable button or box needs to include an instruction to pass the punter on to the relevant domain when it is clicked.

6. It follows that if we were to lose the relevant domain name, we would not only lose the business of the 5% of punters who access us direct, but would also be likely to lose the business passed to us by our agents, unless they can be persuaded to modify their websites to point to whatever new domain name we had adopted. Given the numbers involved, the exercise of persuading them to change would be extremely time consuming and problematic. Having dealt with many of them when getting the Respondents established, I am sure that some of them will not see the urgency of making the change, and others may simply delete us altogether rather than taking the trouble to modify their sites for our convenience. This will also seriously damage our credibility as a company, which depends so much on the relationships we have established with our agents. Many punters spend a long time on the internet looking for a suitable site to gamble with, and it is very important to us to appear on numerous agency sites. I would emphasise that in general, such punters would not be motivated by our domain name – all they would be likely to do is to click on “our” button on the agency site, which does not usually depict the domain name as such, but our by now well known trading name, Grand Monaco. It would actually be much less troublesome for us to change our trading name Grand Monaco than the domain names which link us to our agencies, though I understand that nothing in these proceedings requires us to do so. In fact I believe we would continue to use our existing trading name even if the underlying domain names did require to be changed.
7. I should emphasise that the amount of our business is very substantial: the total number of bets placed with us (at current rates) has grown well beyond the rate current in October 2006 of about \$120,000,000 p.a., and about 25% of our revenue comes from our German site. Of course a very large percentage of our takings is paid out as winnings, leaving only a small fraction of that as profit (which has grown from the rate current in October 2006 to approximately 3%).
8. We bought the domain names in issue in these proceedings in good faith (together with a number of others which are not in issue) as a package from Wayne Smith who held the domains on behalf of the previous owners, and this took effect from 1 November 2006. We liked the trading name Grand Monaco, for reasons which are

elaborated on below, but the domain names were not in any way crucial to our purchase -- apart from the 5% or so punters who access the site direct, the remainder access it not by reference to our domain names, but by reference to our trading name on the relevant agency's button. If we had imagined for one moment that we would have to change the underlying domain names, I do not believe we would have bought the GrandMonaco business at all because of the difficulty of getting agencies to move to something else. (With the benefit of hindsight, it is unfortunate that the domain names used to create the links to our agencies were not some completely arbitrary name of no significance to anyone. Had that been the case, the problem we are now threatened with would not have arisen. Our problem now is that we are committed to our current domain names used by the agencies, for the reasons set out above. If we were compelled to hand the names over to the Complainants, not only would we inevitably lose a very substantial proportion of our turnover, but the Complainants, should they have an ambition to enter the on-line gambling market, could get a free ride into it at our expense. (Though were they to trade under the name Grand Monaco, I believe we would have a good cause of action against them in many jurisdictions based on infringement of our common law trade marks.)

9. Of the numerous domain names in issue, the two of most commercial significance are "grandmonaco.com" and "deutschegrandmonaco.com" (which is a German language version of the main site - there is also a French language version, but that is a page within the main site). The remainder of the domain names in issue relate either
 - a. to sites accessed from within the main site (which can therefore readily have their names changed without damage to our business), or
 - b. to sites which directly link to the main site, but which are not promoted in any way, and simply "block" others from adopting the same name in the hope of passing themselves off as ourselves. Frankly these names are not of great importance to us, because it is impossible to block off all possibilities, but they were supplied as part of the package we originally purchased.

10. I turn now to the three criteria referred to in the WIPO Domain Name Dispute Resolution Policy, paragraph 4(a):

A. Whether the domain name/s/ *is/are* identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

Complainant's rights

11. I accept of course that the Applicants have a very substantial reputation in the name "Casino de Monte Carlo". That name has been registered as a trade mark for many, many years, and it is the name by which the Complainant's main Casino is known the world over. I fully understand that the use in a domain name of the name Casino de Monte Carlo, or its English equivalent Monte Carlo Casino, might be seen by some as a suggestion that the Monte Carlo Casino is in some way associated with the relevant website.
12. On the other hand, I cannot accept that the names "Casino de Monaco" or "Monaco Casino" are well known in the same way. There is no casino in Monaco called the "Monaco Casino" so far as I know, and I do not believe that the Monte Carlo Casino is known as the Monaco Casino. The Monte Carlo Casino happens to be the biggest and most well-known casino in Monaco, but that does not make it the Monaco Casino. Still less would it ever be called the "Grand Monaco Casino". Nor is the Complainant itself (which I learn from these proceedings has – or used to have – a monopoly in casinos within Monaco) called by any such name.
13. I note that the trade mark "Casino de Monaco" has now been registered by the Complainants in Monaco and applied for in the US, but these trade marks were only applied for in December 2002, many after their true trade mark "Casino de Monte Carlo" was registered (and also, as will be seen below, after the domain name "grandmonaco.com" had been adopted and used for online gambling purposes). Had "Casino de Monaco" truly been a trade mark of the Monte Carlo Casino, I cannot understand why it was not registered many years earlier.
14. The word or name "Monaco" in my view is no more than a geographical term, which is and should be available for anyone to adopt as a trade name or as part of a domain name. It is, of course, a geographical name which has prestigious and glamorous connotations: Monaco is well known throughout the world as a playground of the

very wealthy; there is the Monaco Grand Prix; there is the Marina; there is gambling in the Casinos; and there is the glamorous Princely family. It is not surprising, therefore, that the word "Monaco" should be an obvious choice for any business seeking to inject a note of glamour into its name.

15. I also find it odd that the Complainant can claim rights in such a prominent geographical name by registering it as a trade mark after our domain name was originally adopted, and I must say that I suspect that it may have been applied for with a view to making a subsequent complaint. It is a pity no earlier complaint was made: we would never have bought the business if we had thought we could lose it in this way.

Infringement of the Complainant's rights

16. We are not unique in seeking to get some of the lustre of Monaco by incorporating the word in our name. R/5-7 is a print-out of a table I have caused to be prepared showing in the left hand column a large number of domain names incorporating the name Monaco, which are each associated with the type of business listed in the right hand column. Some of them are, of course, associated with businesses in Monaco, but many of them are not, and were presumably chosen because of the glamorous connotations of Monaco.
17. I do not believe, however, that it can fairly be said that we are doing anything either to cause confusion with the Complainant or to trade off the goodwill of their well-known Casinos.
18. I agree with the points made under this heading in the Response, and would add that to the best of my knowledge there has never been a single instance of anyone imagining that there was any connection between us and the Complainant, or suggesting that we were in some way taking advantage of the Complainant's name. Our web site contains a prominent facility enabling interested punters to contact us, by phone, live chat or by email. I have caused enquiries to be made among those responsible for administering this aspect of our business. On my instructions they have asked the staff actually handling incoming calls and emails, and they have confirmed that the first sentence of this paragraph is true.

19. It is suggested in the Complaint that there is some sort of admission of wrongdoing implicit in the use on our site of the sentences:

"Grand Monaco is in NO way associated with the Principality of Monaco, nor ANY of the land-based casino operations located in that jurisdiction. Grand Monaco is an independent operation."

20. To my mind this suggestion is perverse. The sentence was not added because we consider there was any possibility of confusion without it, but because our predecessors had been warned by their software suppliers, MicroGaming, that the Complainant had started to complain about websites which they regarded as confusingly similar, and they wanted to ensure that the Complainant had nothing whatever to complain about so far as our site was concerned. The strapline was only introduced in October 2006, long after the site had started trading successfully, and without any question of confusion having occurred.

B. Whether the Respondents have rights or legitimate interests in respect of the domain names

21. As I see it, in this particular case this issue overlaps significantly with the issue dealt with below in section C, and I rely on the facts stated there, and in my introductory section, in support of our contention that we do indeed have rights and legitimate interests in respect of the domain names in issue.
22. To deprive us now of these domain names would effectively deprive us of, or very substantially damage, the substantial and in my view legitimate business we have built up, and would seriously undermine the very substantial value of our goodwill in the name "Grand Monaco".
23. I would add that the Complainant could have taken action as long ago as 2000 against our predecessors using the name, yet they appear to have allowed it to continue, notwithstanding the fact that they started proceedings against various users of "Monte Carlo" in domain names in 2000. Our domain name was in use for various gaming sites through to at least 26 April 2003, resuming in June 2006 in substantially the same form as it is in today. For example, R/8 is a printout of the the front page of the site when operated by the Grand Monaco Caribbean Sportsbook and Casino, (which operated the site from around August 2000 to June 2002). (This was obtained by using the US website "archive.org". A print out of their entry for "grandmonaco.com" is at R/9, and a "site diary" obtained from "Project Iris" is at

R/10-11. I have tried to contact Mr. Tarter, a Canadian businessman who operated the site in the early days, but have so far been unable to track him down. It certainly seems that they were conducting a substantial business, and I assume that either it was conducted without complaint from the Complainant, or some complaint was made, which was resolved in favour of those operating the site.

24. I have read and agree with what is said in our Response on this issue, and insofar as it makes allegations of fact, I confirm that the facts stated are true.

C. Whether the domain names have been registered or are being used in bad faith.

25. I am not clear whether the relevant date for the purposes of this aspect of the WIPO policy is the date when the domain name "grandmonaco.com" was originally registered in 2000, or when we acquired the "Grand" business in November 2006.
26. I can only speak from my own knowledge about our own acquisition of the Grand business, with its domain names, because my efforts to find Mr. Tarter have failed.
27. So far as we were concerned, I had no idea that the mark "Casino de Monaco" had been registered by the Complainant. I had never heard that name used as a name or trade mark for any of the Complainant's casinos, and it did not occur to me that there could be any problem in adopting such a commonplace and obvious geographical term as "Monaco" as part of our domain name.
28. Since purchasing the business, we have developed it very substantially, to the stage where the turnover (converting the current rate to an annual rate) should considerably exceed \$100,000,000 p.a. The precise figures involved are highly confidential, but if need be I can provide supporting evidence.
29. Nor, in the course of the use we have made of our domain name, have we done anything which was intended or likely to lead to our site being confused with the Complainant. Unlike some other online gambling sites which appear to have tried to take advantage of the goodwill of the Monte Carlo Casino, we have not:
- a. used the name Monte Carlo Casino,
 - b. put pictures of the Monte Carlo Casino on our site, or
 - c. used any kind of Princely emblem to suggest that we are in some way associated with the Principality of Monaco, or with the gambling monopoly formerly

conferred on the Complainant by the Prince of Monaco (which has now, apparently, expired).

30. To the best of my knowledge, there has never been the faintest suggestion on our website that we are connected with the Monte Carlo Casino, and, as explained above, no punter has ever made such a suggestion, or queried whether we are making unfair use of the word "Monaco". I note that the Complainant does not rely on any such instances either, though if confusion was truly being caused, one might have thought visitors to their Casino would have mentioned us to them.
31. In short, we bought the relevant domain names without any intention of causing confusion or taking advantage of the Complainant's goodwill, and we have at all times operated our online gaming business without doing so.
32. As to the original users of the domain name, who started some time in 2000, it is clear from the page referred to above that they too were running an on-line gaming site. Obviously they thought the glamour associated with Monaco made the name an attractive one, but I can see nothing on the website to suggest that they were trying to make use of the goodwill of the Monte Carlo Casino. On the contrary, they made a point of saying that their operation complied with the rules of the Nevada Gaming Control Board.

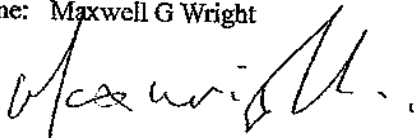
Summary

33. To sum up, I am not aware of any confusion, past or present, between our site and the Complainant's business, and there is not, and never has been, any intention on our part either to cause any confusion, or to trade off the back of the Complainant's goodwill. We have built up a very substantial business using a domain name which has been in use for gaming purposes over many years, unchallenged by the Complainant. I respectfully ask that the Complaint be dismissed.

I believe that the facts stated in this Witness Statement are true.

Full name: Maxwell G Wright

Signed:



Date:

27/4/07

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

**La Société des Bains de Mer et du
Cercle des Etrangers à Monaco,
Place du Casion, Monte Carlo, MC
98000 Monaco, Principauté de Monaco**

(Complainant)

-v-

**Lucan Toh and Max Wright
46 Berkeley Square,
London, W1J 5AT
UK**

(Respondents)

Case No: D2007-0249

Disputed Domain Names

grandmonaco.com and others

**BUNDLE "R", REFERRED
TO IN THE STATEMENT OF
MAXWELL G WRIGHT**

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

**La Société des Bains de Mer et du
Cercle des Etrangers à Monaco,
Place du Casion, Monte Carlo, MC
98000 Monaco, Principauté de Monaco**

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Case No: D2007-0249

Disputed Domain Names

grandmonaco.com and others

**BUNDLE "R", REFERRED
TO IN THE STATEMENT OF
MAXWELL G WRIGHT**

The best online gambling casinos with casino reviews, bonuses, games, and sports betting tips.
 Betting is great entertainment and our top online casinos sites reviews have a variety of games to play.

Gambling Phd



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Today's Tip:

Mexican Stud

Here is a fun poker variation that you will not typically find at online casinos, but it is fun to play when you can find it. In fact, if you have a poker night at home or a regular game, try it out. It is played just like the much loved game of 5 card stud, except that all the cards are dealt face down. Each player at the table selects their hole card and rolls the other one before each betting round takes place. So, your hole card can be changed many times during the course of the hand. The winning hands and staying requirements are about the same as when you play 5 card stud - however, Mexican Stud

Online Gambling Sites - Internet Casino Reviews, Betting News and Games

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[Click Here to Bookmark GamblingPhd - Online Casino and Gambling Guide](#)

Online Casino Reviews	Reviews for April 2007	Bonuses
1. Golden Casino	Backed and operated by the GoldenPalace.com group, Golden Casino is the hottest new place where everyone is welcome. New players receive a massive 100% bonus up to \$555 free. The gambling software is by Vegas Technology, and they are adding to their games selection all the time. Try out the princess jewels slots game - it's simply fantastic!	\$555 Bonus + Over 80 Games
2. Roxy Palace	Leaders among online casinos and gambling entertainment, Roxy Palace casino has more than 160 games including Jackpot, Video and Regular Slots as well as Video Poker, Blackjack and Table Games - all powered by Microgaming software. As a new player you'll receive a 100% match bonus up to \$100 free. Outstanding Player Support takes care of any needs in a timely manner and can be reached 24/7 via e-mail and telephone. \$40,000 monthly slots tournament.	\$100 Bonus + 160 Games
3. English Harbour	Vegas technology makes the software for English Harbour Casino, so a gaming experience here will be an enjoyable one. Everything from the casino games and payouts to the customer service are premium quality all the way. English Harbour also offers special incentives such as free gifts and vacations for the players who are betting on the web often.	\$275 Bonus + 85 Games
4. Golden Tiger	Download the Golden Tiger software and automatically receive a FREE membership to their unbeatable loyalty program, CasinoRewards. They now have Nickel slots which allow you to wager with as little as 5 cents a spin. An eCOGRA certified casino.	\$250 + 175 Games
5. Villento Las Vegas	A newcomer to the Microgaming software brand, but years of experience in the industry with the fortune lounge group. Top payouts, first class customer support, an elegant casino brand and \$100 free make it very attractive. Play the King Cashlot Progressive slots game for your chance to bring home a cool million. All jackpot winners are paid in full. They have current jackpots totaling well over \$1 million.	\$100 + 180 Games
6. Challenge Casino	Challenge Casino is the ultimate site for gambling online. They offer over 160 games for you to play. The player support here is first rate. New Players are eligible for up to \$1,000 in free bonuses over their first 3 deposits. With payouts averaging over 97% and lots of player loyalty incentives, ChallengeCasino is a smart place to play.	\$1,000 Bonus + 160+ Games
7. Grand Monaco	Grand Monaco Casino is one of the top internet casinos offering an elegant, first class theme. What I like here, is they have an excellent selection of progressive slots and standard table games. The payouts average over 96% so your chances of winning here are very good. With \$150 in bonuses, a free casino kit and online gaming software by Microgaming, Grand Monaco is a smart place to play.	\$150 Bonus + 171 Games
8. All Slots	All Slots is a fantastic Casino running Microgaming's new Viper edition online gambling software. With 189 games including more than 50 slots, your sure to find exciting action here. New players receive a 400% welcome bonus up to \$100 free. The very professional and competent customer support team can be reached anytime to answer all your questions. Gambling online at All Slots casino is a safe bet to place.	\$100 Bonus + 189 Games
9. Golden Reef	Golden Reef Casino combines the world of online gambling with the traditional games and excitement of Sin City. From the professional support staff the the above average payouts, you will find everything your looking for in online casinos. New players receive \$100 in free cash to gamble for real.	\$100 Bonus + 150+ Games

1

gives you more room for strategy and even bluffing. It is best to keep pairs and aces hidden as long as you believe that you hold the best hand. When you think that there is a better hand out there, you will want to try to make a defensive play by showing your pair in some way in order to scare of your opponent. Mexican Stud is many times referred to as Peep and even, Turn, Flip, and Pedro. This game can also be played as high-low. It is a fun game and many online gambling fans enjoy a change of pace when it comes to playing poker. As so many different variations of poker make their way into the mainstream, we look forward to playing the on the Internet or where ever else we can. many of the poker games making their way into the spotlight are games that we played many, many years ago and have resurfaced such as Mexican Stud.

10. Club World

A real time gaming casino that is causing waves, Club World Online Casino has something for everyone. They are offering 1st time depositors a large bonus of \$750 to get started. They have been adding a new selection of slots and Las Vegas style casino games every week.

\$750 Free

Caribbean Gold Casino - Over 97% Payouts - Vegas Technology - \$150 Free!



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80 renommierte Online Casino's werden von uns laufend bespielt und auf Zuverlässigkeit getestet. Renommierte Buchprüfer überwachen die Gewinnquoten monatlich.

Casino Software
» eigene Software
» Microgaming 1
» Microgaming 2
» Playtech
» Cryptologic
» Realtime Gaming
» Boss Media

Spiel-Neuvorstellungen
» Schwarze Schafe
» Auszahlungsschwindigkeiten
» Black Jack Strategie
» Black Jack Turnier
» Betrügen Online Casinos?
» Spielerauswahl nach Quoten
» Jackpot Tipps / Werte
» Las Vegas Tipps
» Casino Literatur
» Poker
» Gratis Cashspiele
» Paysafecard
» Webmaster
» Contact
Links

Aktuelle Auszahlungsquoten:
» Euro Grand 97,54%
» Grand Monaco 95,24%
» Casino Tropez 97,19%
» Europa Casino 96,40%
» Virgin Casino 98,30%
» Global Player 97,21%
» Casino on Net 97,11%
» Prestige 98,32%
» Casino King 97,70%

letztes Update April 2007



Exklusives Angebot



Wir haben mit InterCasino Deutschland, einem renommierten Casino, ein exklusives Angebot ausgehandelt. Dieses bietet Ihnen einen höheren Bonus als anderswo.
[Klicken Sie hier für Details](#)

News aus der Casino Welt: [Alle News anzeigen](#)

23.04.07 » 49er schließt, neu: Club World. Vorsicht bei Bedingungenänderungen in dubiosen Casinos
16.03.07 » Neu auf Casino Ratgeber: Virgin Casino aus England
13.02.07 » 2x 75% ohne Einzahlung im Golden Riviera oder Crazy Vegas



Europa Casino

★★★★★ 28 Ratings

Bonus

100% Bonus auf 100 Euro Einzahlung (jeden Monat erneut).

Specials

Special von CasinoRatgeber: Wenn Sie Ihren 100% Bonus auf die erste Einzahlung von 100 Euro erhalten haben, fragen Sie im Livechat nach weiteren 100€ Bonus!

Bonusbedingungen

10x Bonus und Einzahlung

Redaktions-Tipp Wir wollten dieses Casino nur testen wie jedes andere, vier bis fünfmal einzahlen, spielen und Gewinnausschüttungen vornehmen. Nun spielen wir hier schon seit Monaten und werden wohl auch nicht wieder aufhören. Dafür sorgt vielleicht schon der monatliche Bonus, der uns schon hohe Gewinne ermöglicht hat. Top-Software, entwickelt von Software-Experten die auch für landbasierte Casinos tätig sind.

Zahlungen

NETeller, Kreditkarten Mastercard, Eurocard und Visa, Moneybookers

» Casino besuchen...



Cameo Casino

★★★★★ 24 Ratings

Bonus

Auf die erste Einzahlung gibt es 200% Bonus (maximal 200 Euro gratis). Das Angebot bei uns ist besser, als das normale, welches auf der Webseite steht auf die zweite Einzahlung gibt es erneut bis zu 200 Euro extra (50% Bonus)

Specials

Blauer Bonus+Einzahlung (fairer Angebot)

Bonusbedingungen

Blauer Bonus+Einzahlung (fairer Angebot)

Das Cameo ist ein neues Casino und hat sich in kurzer Zeit schon ein sehr gutes Standing erarbeitet. Bei unserem Test haben wir gewonnen, der Gewinn wurde zeitnah und vollständig ausgezahlt. Erwähnenswert sind die gratis Hotline-Nummern, die kostenlos aus den deutschsprachigen Ländern angerufen werden können.

Zahlungen

alle Zahlungsmittel die in Online Casinos bekannt sind

» Casino besuchen...



Eurogrand Online Casino

★★★★★ 17 Ratings

Bonus

100% bei 300 Euro/Dollar Ersteinzahlung, 200% bei 300 Euro, 50% bei 1000 Euro Ersteinzahlung

Specials

bei einer zweiten Einzahlung gibt es nochmal 60%, bis 500 Euro / Dollar Bonussumme. Die Bonusangebote sind bei 12facher Anforderung recht attraktiv

Bonusbedingungen

12x Einzahlung und Bonus.

Mittenwelle haben wir das Eurogrand erfolgreich getestet. Besser noch: Wir haben das EG vor Ort besucht. In der Spielbetriebsleitung war Hochbetrieb, daher hatte man dort nicht viel Zeit für uns. In der Technik durften wir Einblick in den Spielbetrieb nehmen, man konnte zuschauen wie die Spieler im Casino agierten (wir sahen keine persönlichen Daten). In der Buchhaltung wurde gerade ein Scheck über 45.000 Euro an einen Highroller aus Baden Württemberg fertig gemacht. Gratulation von uns ebenso :) Fazit: Ein professioneller Spielbetrieb mit fairer Software.

Zahlungen

alle bekannten inklusive Moneybookers und Paysafecard

» Casino besuchen...



Global Player Casino

★★★★★ 267 Ratings

Bonus

150% Bonus (Sonderbonus nur über unsere Seite) zwischen \$ 10 und \$ 50. Bonus sofort verfügbar. Ausserdem bis 500 Dollar Bonus für eine Einzahlung mit Paysafe Card

Specials

1x im Monat Black Jack Turniere. Für genaue Infos schauen Sie bitte auf unserer Turnier-Seite nach.

Bonusbedingungen

wenn Sie einen Bonus haben, wird pro Spiel der Einsatz zu 50% vom Bonus genommen

Sehr realistische Spielatmosphäre: Amerikanisches Roulette, Französisches Roulette zig Poker-Varianten, Black Jack in 7 Varianten, einfache Slotmachines. Global Player hat eine eigene Software entwickelt, die Sie nirgendwo anders finden werden. Zur Ermittlung der Spielentscheidungen wie die Zahl beim Roulette wird ein Neuronen-System verwendet, was absolut zufällige Ergebnisse garantiert. Regelmässige BJ Turniere, Sit&Go Turniere. Schneller Support, deutschsprachig. Kostenlose 0800 Hotline. Jetzt mit Roulette-Pennanenzen vom Tisch Nr.1 zurück bis ins Jahr 1999 einsehbar. Weitere Informationen zum » Global Player

Zahlungen

Kreditkarten Eurocard und Mastercard, Visa, Bankscheck, Moneybookers (»Details), Überweisung

» Casino besuchen...

3



Prestige Casino

★★★★★ 22 Ratings

Bonus

500€ einzahlen und 800€ Bonus erhalten, eines der attraktivsten Angebote im Markt. Bei kleineren Ersteinzahlungen gibt es schon 100% Bonus. Dazu sind die Umsatzanforderungen mit 8x niedrig.

Specials

Gewinnen Sie eine Reise nach Atlantis, Bahamas

Bonusbedingungen Info

8x Einzahlung und Bonus

Das Prestige Casino ist das beliebteste Online Casino in Skandinavien. Grund hierfür sind Berichte im TV, die zu einem wahren Spieler-Run geführt haben. Ihr Spielkonto wird wahlweise in Dollar oder Euro geführt. Die Software und Support sind komplett in deutsch. Sie haben die Wahl, die Software downloaden (grosse Spielauswahl) oder im Browser zu spielen (Flashcasino, etwas kleinere Spielauswahl) Neu: stark verbesserter Einstiegsbonus

Zahlungen Info

Visa, Mastercard, Firepay, Citadel, Neteller, Moneybookers, Wire Transfer, Bank Scheck, EcoCard, PaySafeCard

► Casino besuchen...



Casino Tropez

★★★★★ 50 Ratings

Bonus

300 € Bonus bei den ersten 3 Einzahlungen

Specials

wöchentlich gibt es einen Treuebonus
 Special wie bei Europa ebenfalls hier verfügbar! 100€ Extra bei Nachfrage

Bonusbedingungen Info

8x Umsatz von Bonus + Einzahlung

Tropez gehört zu den ganz grossen in der Branche, mit einem grossen deutschem Kundenstamm. Das hat dazu geführt, das ein Call-Center in Amsterdam extra für D/A und CH installiert wurde. Wir haben hier bisher mehr gewonnen als eingezahlt, auch wenn wir einmal etwas länger auf unser Geld warten mussten. Dafür gab es aber eine Entschädigung und danach keine Probleme mehr, daher eine Top-Empfehlung.

Zahlungen Info

Paysafecard, Click2Pay, Moneybookers, Kreditkarten ausser American Express

► Casino besuchen...



Spin Palace

★★★★★ 28 Ratings

Bonus

500€ für 1 Stunde Aktion
 Sie müssen kein Geld einzahlen, nur registrieren. Sie erhalten dann 500 Euro zum Spielen, Gewinne bis 100 Euro dürfen Sie nachfolgend in ein Echtgeldkonto transferieren. Ideal, um das Casino risikolos zu testen.

Specials

Wer bei der 500€ Aktion kein Glück hat, kann einen 25€ Willkommenbonus anfordern

Bonusbedingungen Info

30x nur der Bonus, eigenes Geld kann immer ausgezahlt werden

Spin Palace ist ein renommierter Online Casino aus England, welches seit 2007 auch in deutscher Sprache verfügbar ist. Die Software (Microgaming) bietet mehr als 250 Spiele, monatliche Neuerscheinungen erweitern die Palette ständig. Halten Sie die Augen offen, als Spieler erhalten Sie wöchentlich Cashback Angebote via E-Mail.

Zahlungen Info

Click2Pay, Neteller, MB, Paysafe Karte und Kreditkarten

► Casino besuchen...



Grand Monaco

★★★★★ 20 Ratings

Bonus

100% Bonus - 150 Euro für Slotspieler, 75 Euro für Spieler bei allen anderen Spielangeboten

Specials

laufend Bonusangebote auch an Bestandskunden

Bonusbedingungen Info

keine Umsatzbedingungen, der Bonus wird bei Umsatz schrittweise in Echtgeld umgewandelt. Ihre Einzahlung ist immer Echtgeld und kann jederzeit ausbezahlt werden

Mit voller Zufriedenheit haben wir das neue Grand Monaco Online Casino getestet, welches mit Microgaming Software arbeitet. Das Management kennen wir schon länger von anderen Casinos, die ebenfalls sehr gut geführt wurden. 250 Spiele sind im Angebot, besonders erwähnenswert ist die Goldene Serie von Black Jack und Roulette, die sehr gelungen ist.

Zahlungen Info

alle uns bekannten

► Casino besuchen...

Topic

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[The Luxury Hotel Monaco Chicago](#)
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[Products range from clothing and accessories, to eyewear, watches, sunglasses and cosmetics. Stores across the US and Canada. !\[\]\(919a2cb85b99741a73c0c31a427236a8_img.jpg\)](#)
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[Helicopter rides, sight seeing](#)
[The Consulate General of Monaco In New York, with information about Monaco, doing business in Monaco](#)
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[One of the world's greatest and most challenging motor racing events, the Monaco Grand Prix is the last street course remaining in the Formula One](#)
[Site of a future high-rise condominium development called The Monaco. Includes area information and survey.](#)
[RV resort](#)
[Progressive Italian Trattoria style dining, serving regional Italian dishes.](#)
[Cordoncini's Palace, Columbus, Ohio: a fine dining experience for wedding receptions, business seminars, special events, and all of your catered needs](#)
[any Monaco on the radio Broadcasting](#)
[history of Monaco](#)
[tires, maintenance, and aircraft support for civil and military aviation. Located in Duluth, Minnesota](#)
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Luxury car sales
 dance forum
 The Hotel Monaco is a pet friendly San Francisco hotel
 Charter&Charter operates in the chartering, selling, purchasing, managing of yachts
 Monaco Rugby supporters
 Online Shopping at Monaco
 Ecologic vehicles and renewable energies
 Specialize in organizing prime sporting and cultural events.
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 Postal service of Monaco
 Hotel reservation and details
 Details on a person named Johnny
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 A.S Monaco football
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 Public Communications and relations company
 Monaco Travel Guide
 Traditional foods of Monaco
 Formula 1 in Monaco
 Private and Commercial Finance Advice
 Online Lexus Dealer
 EVER MONACO, the key event dedicated to renewable energies and ecological vehicles
 Judo Details in Monaco
 RESPONSIBILITIES To ensure the efficient organization, transmission, control and storage of Engineering documents
 Online poker
 tour and details on Monte Carlo
 Public Communications and relations company
 spa and health
 Price listing on Monaco hotels
 International event for spa and wellness
 promotes clinical research, apprenticeship and collaboration between university and industry in bone and tissue regeneration
 Hotel reservation and details
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www.ritual-arts-monaco.com
www.principality-monaco.com

Websites on stamps
Travel Resources
Restaurant in Monaco (info)
Search page for Monaco
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Grand Monaco

Caribbean Sportsbook and Casino

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Playing the games is easy.
Simply sign up and you can
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Welcome to The Grand Monaco Sportsbook and Casino.
Safe and Secure Online Gaming. Odds and payouts are
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Current
Members
Sportsbook
Login

User Name:

Password:

Login and

Password are both
Case Sensitive

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Click
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FOR

Join Now and Play for Fun or Real Money!

Join Grand Monaco Casino and Sportsbook today and get \$10 in FREE Chips with
no strings attached.

Odds, payouts and transactions are handled by the Casino Affiliate Network. Your
account at The Grand Monaco Casino also works at The Grand Monaco Sportsbook.

It is free to Join, with no obligation to make a real wager

To begin, please select a game type from below.

Play For Real

Play For Fun



baseball betting internet casinos casino games video poker casinos casino sports betting online casino gambling online casino casino wagering football betting online casino betting bookie
online football betting sportsbook

http://web.archive.org/web/*/http://grandmonaco.com

Internet Archive Wayback Machine



Enter Web Address: Adv. Search Compare Archive Pages

Searched for <http://grandmonaco.com>

57 Results

Note some duplicates are not shown. See all.
* denotes when site was updated.

Search Results for Jan 01, 1996 - Apr 27, 2007											
1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 pages	0 pages	0 pages	0 pages	6 pages	14 pages	15 pages	9 pages	2 pages	5 pages	2 pages	0 pages
				Aug 16, 2000 *	Feb 01, 2001 *	Jan 21, 2002 *	Feb 04, 2003 *	Nov 29, 2004 *	Feb 03, 2005 *	Mar 04, 2006 *	
				Aug 23, 2000	Feb 23, 2001	Apr 13, 2002 *	Feb 07, 2003	Dec 03, 2004	Feb 06, 2005	May 13, 2006	
				Sep 25, 2000	Mar 01, 2001	May 23, 2002	Feb 10, 2003		Mar 07, 2005		
				Oct 17, 2000	Mar 02, 2001	May 25, 2002	Feb 15, 2003		Nov 09, 2005 *		
				Oct 19, 2000	Mar 09, 2001	Jun 05, 2002 *	Mar 20, 2003 *		Nov 26, 2005		
				Dec 04, 2000 *	Apr 14, 2001 *	Aug 02, 2002 *	Mar 22, 2003				
					Apr 19, 2001	Aug 11, 2002	Apr 08, 2003 *				
					May 18, 2001 *	Sep 22, 2002	Apr 20, 2003				
					Jun 20, 2001 *	Sep 24, 2002	Apr 26, 2003				
					Jun 24, 2001	Oct 17, 2002					
					Jul 21, 2001	Nov 19, 2002 *					
					Aug 18, 2001 *	Nov 25, 2002					
					Oct 30, 2001 *	Nov 28, 2002 *					
					Dec 20, 2001	Nov 29, 2002					
						Dec 05, 2002					

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27.4.2007 14:08

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1 of 1

PROJECT IRIS: WEB-SITE CHRONOLOGY

As of 18 March 2007

Date	Web address	Domain name owner	Content	Content owner	Info source(s)	Remarks
24/06/00	grandmonaco.com	Goods Communications, 34 Nieto Ave #4, Belmont Shore, CA 90803, United States	Unknown	Unknown	www.domaintools.com	Domain name registrar: Network Solutions Inc.
15/08/00	grandmonaco.com	Unknown	Online gaming site: 'Grand Monaco Sportsbook & Casino'	Sinational Entertainment Inc, Antigua.	web archive	Owned by Ron Tarter, a Canadian entrepreneur via the Antigua based Casino Affiliate Network (CAN).
2/08/02	grandmonaco.com	Unknown	Online gaming site: 'Starluck Casino'	WBC Productions (Gibraltar) Ltd.	web archive	Part of the Partygame Group owned by Ruth Parasol.
28/11/02	grandmonaco.com	Unknown	Online gaming site: 'InterCasino'	Cryptologic Inc, Toronto, Canada.	http://www.crypologic.com/about/index.html	The site declares: - InterCasino.com was voted best online casino in 2001, 2002, 2003, 2004 and 2006 by gambling online magazine. - We have been around since 1999, we have hit our 10 year anniversary mark making us one of the oldest in the industry and have established ourselves as leaders in online casino gaming. - InterCasino provides access to the the best and most entertaining online casino games on the Internet such as Slots, Poker, Blackjack and much more. We are the proud owners of the Millionaires Club which currently has the biggest jackpot in online casino history.
20/03/03	grandmonaco.com	Unknown	Download site: casino software.	International Gaming & Entertainment Ltd, Valetta, Malta.	web archive	The site declares: - Free Casino game download - no download casino - Has links to William Hill Casino, InterCasino and Interopa Sportsbook - When the 'home' button is selected, you are directed to the web site of Interopa.com. Interopa is a wholly owned subsidiary company of International Gaming & Entertainment Ltd.
25/04/04	grandmonaco.com	seeq.com	domain name site	NameMedia Inc, 230 Third Avenue, Waltham, MA, 02461.	http://web.archive.org/web/20060404042941/ www.seeq.com/about/wrapper.asp?reference= &domain=grandmonaco.com	

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Date	Web address	Domain name owner	Content	Content owner	Info source(s)	Remarks
04/03/06	grandmonaco.com	GoDaddy.com Inc, 14455 N. Hayden Rd, Suite 219 Scottsdale, AZ 85260	domain name site	Unknown	web archive	The site declares: This page is parked free, courtesy of GoDaddy.com. GoDaddy.com is a domain name registrar.
26/04/06	grandmonaco.com	Domains by Proxy Inc, 16111 N. Hayden Rd, Ste 180, PMB 353, Scottsdale, Arizona 85260, United States	Content not seen	Unknown	www.domaintools.com	A domain name registration service which provides a private registration service for its clients. The domain name is registered via GoDaddy.com Inc.
13/06/06	grandmonaco.com	Domains by Proxy Inc, 16111 N. Hayden Rd, Ste 180, PMB 353, Scottsdale, Arizona 85260, United States	Online gaming site: 'Grand Monaco'	Unknown	web archive	The site declares: Welcome to Grand Monaco Casino. Our site is currently in development. Please come back soon. The domain name is registered via GoDaddy.com Inc.
14/11/06	grandmonaco.com	Lucan Toh, 48 Berkeley Square, London, W1J 5AT.	Content not seen	Unknown	www.domaintools.com	The domain name is registered via GoDaddy.com Inc.
24/01/07	grandmonaco.com	Max Wright, 46 Berkeley Square, London, W1J 5AT	Online gaming site: 'Grand Monaco'	Hillared Ltd, Gibraltar	www.domaintools.com Current viewing	The site declares: - Grand Monaco to be 'a member of the PlayShare Group' and 'a world class casino that launched in July 2006' - Frank Thompson to be 'Casino Manager at Grand Monaco' - An 'Affiliate marketing site' at g3partner.com

EXHIBIT # 43

HAMILTON DOWNING QUINN

SOLICITORS

WATSON EDDLESTONE MA
PHILIP HAMILTON
CHARLES ILIFF MA
JAMES DAVIS LL.B

RUSKIN HOUSE
40/41 MUSEUM STREET
LONDON WC1A 1LT
TEL: +44 (0)20-7831 8939
FAX: +44 (0)20-7831 8798
DX: 35717 BLOOMSBURY
E-MAIL: law@hamd.co.uk
www.hamiltondowning.com

Bristows
DX 269 London (Chancery Lane)

BY FAX ONLY: 020 7400 8050

Our ref: WLE/GA71-2
Your ref: 404/BDC/10124 0001

29 June 2007

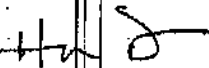
Dear Sirs

**La Société des Bains de Mer et du Cercle des Étrangers à Monaco v Playshare plc & Lucan
Michael Toh & Maxwell George Wright (Case No. HC07 CO1489)**

We refer to the above matter and enclose herewith by way of service of upon you the Defence and Counterclaim on behalf of the Defendants.

We confirm that the same is being filed with the High Court and we should be grateful if you would acknowledge safe receipt in due course.

Yours faithfully



HAMILTON DOWNING QUINN

Encl.

ASSOCIATE: ALAN D TAYLOR

CONSULTANTS: ANTHONY B QUINN MICHAEL SHONE MA WARNER L JERRARD

INCORPORATING: JERRARD SAUNDERS DONN ARNOLD TICKNER & CO.

Singapore Representative Office: 83 Clementine Avenue, #13-02 UE Square, Singapore 239920

Tel: 65-6236 3508 Fax: 65-6887 3508

Regulated by the Law Society

Claim no. HC07 C01489

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
INTELLECTUAL PROPERTY**

BETWEEN

**LA SOCIÉTÉ DES BAINS DE MER ET DU CERCLE DES
ÉTRANGERS À MONACO**

Claimant

and

**(1) PLAYSHARE PLC
(2) LUCAN MICHAEL TOH
(3) MAXWELL GEORGE WRIGHT**

Defendants

**DEFENCE AND
COUNTERCLAIM UNDER
PART 20**

1. Paragraphs 1 and 2 of the Particulars of Claim are admitted.
2. As to paragraph 3, it is admitted that the Claimant's best known Casino in Monaco is called the "Casino de Monte Carlo" and that it is very well known throughout the world under that name. It is denied that it is known, or referred to, to any significant extent as the "Casino de Monaco" or the "Monaco" Casino. There are other casinos in Monaco also operated by the Claimant, including the Sun Casino and the Café de Paris Casino.

3. Paragraph 4 is admitted, save that no admission is made as to the figures stated.

4. Paragraph 5 is denied. The Claimant is well known as the "Casino de Monte Carlo", and whilst it is well known that the Claimant is situated in Monaco, it is denied that the purely geographical and descriptive terms "Monaco" and "Casino de Monaco" have acquired any secondary significance as the name or trading style of the Claimant.

5. As to paragraph 6, it is admitted that the Claimant has registered the International Trade Mark "Casino de Monaco" for the goods and services referred to, designating the UK as of 1 July 2002. The said mark was and remains invalidly registered by reason of the fact that it was and is devoid of any distinctive character, consisting merely of the descriptive word "Casino" and the geographical designation "Monaco" linked by the French word "de".

6. Paragraph 7 is admitted.

7. As to paragraph 8, it is admitted only that the Claimant has successfully invoked the WIPO administrative procedures to procure the handing over to them of the domain names referred to. It is denied that the owners of the domain names were seeking to capitalise on the Claimant's goodwill. They were making legitimate use, as is the Defendant, of the obvious cachet associated with the glamorous geographical name of Monaco.

8. Paragraph 9 is admitted, save that the Second Defendant ceased to be the CEO of the First Defendant prior to the First Defendant's acquisition of the Grand Monaco business. The Second Defendant is not and never was CEO of Grand Monaco or a

director or other officer of Grand Monaco. The Second Defendant is not resident in the United Kingdom. He is a resident of the United Arab Emirates.

9. Paragraphs 10-11 are admitted. The First Defendant bought the Grand Monaco business in early November 2006 as a going concern from Mountain Breeze Trust, who had been operating it since about June 2006. The domain name "grandmonaco.com" had been in use for online gambling purposes since at least August 2000, without, to the best of the Defendants' knowledge, objection from the Claimant.

10. Paragraph 12 is denied. The First Defendant's mark "Grand Monaco" and its derivatives such as "Grand Monaco Casino" are not identical to the Claimant's mark "Casino de Monaco", they are not used by the First Defendant in relation to any goods, and the only services in relation to which they are used by the First Defendant (namely gaming services) are not identical to the services for which the Claimant's mark is registered. The Defendants admit that the word "Casino" has no distinguishing power in relation to gambling services. The word Grand, however, has a significant capacity to distinguish such services.

11. Paragraph 13 is denied. The similarities relied upon by the Claimant are insufficient to give rise to a likelihood of confusion. Even if, which is denied, such likelihood of confusion ever existed, the First Defendant has now built up a substantial and independent reputation in the name "Grand Monaco" (and its derivatives), so that the likelihood of confusion no longer exists.

12. Save that it is admitted that the Claimant does not consent to the First Defendant's use of its mark "Grand Monaco" (or its derivatives), paragraphs 14 and 15 are denied. The Claimant's registered mark "Casino de Monaco" has no reputation in the UK (in contrast to its well known mark "Casino de Monte Carlo"); the First

Defendant's use of the mark is not "without due cause" (such use being legitimate use of the obvious cachet associated with the glamorous geographical name of Monaco); and it does not take unfair advantage of, nor is it detrimental to, the distinctive character or repute of the mark "Casino de Monaco", because the mark does not have a significant distinctive character or repute, because the Defendants' use is not unfair, and because the Defendants' use is not detrimental.

13. Paragraph 16 is denied. As to the inference referred to in paragraph 17, the First Defendant purchased the domain names in issue as part of a going concern, and did not do so for the purpose of causing confusion with the Claimant of the kind referred to in paragraph 17. To the best of the Defendants' knowledge, there is not and never has been any such confusion, and it was certainly not the Defendants' intention that there should be.

14. Paragraphs 18 and 19 are denied. The Defendants repeat paragraphs 10-12 hereof.

15. Paragraph 20 is admitted.

16. Paragraph 21 is admitted in relation to the Third Defendant, but denied in relation to the Second Defendant. The Second Defendant had agreed prior to the start of the WIPO proceedings referred to in paragraph 26 of the Particulars of Claim to transfer to the First Defendant such domain names as were registered in his name, but in accordance with WIPO's Uniform Domain Name Dispute Resolution Policy (the "WIPO Policy"), it has been impossible for such transfer to be effected since the start of those proceedings.

17. In the premises, the Claimant is not entitled to the relief claimed in paragraphs 22 or 27 or to any relief.

18. As to paragraphs 24-26, it is denied that the Domain Names are instruments of fraud; the Defendants rely on paragraphs 10-13 above. Accordingly the Claimant would not be entitled to an order for the transfer of ownership of the Domain Names or any of them.

**COUNTERCLAIM UNDER
CPR PART 20**

19. The Defendants repeats paragraph 5 above.

20. The First Defendant has since its acquisition of the Grand Monaco online gambling business further developed it into a substantial business with a valuable goodwill. Such business is not and never has been passed off as being in any way connected with the Claimant, nor has it involved the making of any unfair reference to the Claimant's trade marks or unfair use of its goodwill.

21. An important part of the goodwill of the First Defendant's said business is the ability to obtain business through its use of web sites having domain names (the "Grand Monaco Domain Names") incorporating the word or phrase "grandmonaco". Several such domain names have been registered, and currently stand in the names of one or other of the Second and Third Defendants, though they are used exclusively by the First Defendant with the consent of the Second or, as the case may be, the Third Defendant. The First Defendant's business is obtained to some extent from gamblers who have become familiar with at least one of the Grand Monaco Domain Names, and to a much greater extent from agents or associates who promote, *inter alia*, the First Defendant's Grand Monaco business on their own websites, and provide

intending users with links to transfer them to a website associated with one of the Grand Monaco Domain Names.

22. The Claimant has instituted various legal or quasi-legal proceedings directed at putting an end to the Defendants' use of the name Grand Monaco, and, in particular, it has started proceedings pursuant to the WIPO Policy, in which it sought a ruling that the Grand Monaco Domain Names should be transferred to the Claimant.
23. In order to obtain such a ruling it is necessary to establish (in accordance with paragraph 4(a) of the WIPO Policy) all of the following three conditions:
 - a. The Grand Monaco Domain Names are identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
 - b. The Defendants have no rights or legitimate interests in respect of the domain name; and
 - c. The Grand Monaco Domain Names were registered and are being used in bad faith.
24. Having regard to the matters stated above, none of these conditions were satisfied, and accordingly the Adjudicator appointed by WIPO ought to have found in the First Defendant's favour. In fact, however, a decision was handed down on Monday 11 June 2007 ruling in favour of the Claimant.
25. By reason of paragraph 4(k) of the WIPO Policy, the said decision becomes ineffective if proceedings are brought to challenge it in a Court having jurisdiction over the matter within 10 days of the said decision. One such Court (which has been nominated by the Claimant) is in Arizona, and the First Defendant will accordingly start proceedings there in order that there is no doubt about the application of

paragraph 4(k). By starting the present proceedings in England, the First Defendant will contend that the Claimant has further submitted to the jurisdiction in England.

26. The Defendants are therefore entitled to the further declarations set out below.

Accordingly the Defendants counterclaim for:

1. A Declaration that the Claimant's International Registered Trade Mark no 793812 is and at all materials times has been invalidly registered.
2. A Declaration that the Defendants are entitled to retain ownership of the Grand Monaco Domain Names.
3. Costs.
4. Further or other relief.

Alastair Wilson QC
Hogarth Chambers
5 New Square
Lincoln's Inn
London WC2A 3RJ

Isaac Jacob
9 Stone Buildings
Lincoln's Inn
London WC2A 3NN

Statement of Truth

We believe that the facts set out in this Defence and Counterclaim are true. We are duly authorised to sign this Statement of Truth on behalf of the Defendants.

Signed: 

Date: 29 June 2007

Name: JAMES DAVIS

Position: PARTNER HAMILTON JOWLING QUINN

Claim no. HC07 C01489

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

INTELLECTUAL PROPERTY

BETWEEN:

**LA SOCIÉTÉ DES BAINS DE MER
ET DU CERCLE DES ÉTRANGERS
À MONACO**

Claimant

and

(1) PLAYSHARE PLC

(2) LUCAN MICHAEL TOH

(3) MAXWELL GEORGE WRIGHT

Defendants

**DEFENCE AND
COUNTERCLAIM UNDER
PART 20**

HAMILTON DOWNING QUINN

Ruskin House

40/41 Museum Street

LONDON WC1A 1LT

DX: 35717 BLOOMSBURY

Tel: 020 7 831 8939

Fax: 020 7831 8798

Ref: WJ/GA71-2